

April 14, 2010

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
APRIL 14, 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
Andrew Breier	-	East Eden Fire Chief
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 7:45 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 March 10, 2010; there were none.

MOTION was made by Councilman Ventry to approve the Town Board Minutes of March 10, 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 March 24, 2010; there were none.

MOTION was made by Councilman Vacco to approve the Town Board Minutes of March 24, 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	Amount
A1990.4 Contingent Fund	A1920.4 Municipal Dues	For Municipal Dues Owed	\$1,000.00
A1640 Ambulance Charges	A4540.2 Squad-Equipment	Money rec'd from Emergency Squad Insurance Recoveries used for purchase of Fly Car	\$39,900.00
A1680.1 Central Date Processing Personnel	A1680.401 Central Data Processing Contract Personnel	Change account code for non-payroll personnel per audit	\$16,800.00
A1420.1 Attorney Personal	A1420.401 Attorney Contract Personnel	Change account code for non-payroll personnel per audit	\$27,400.00
A1440.1 Engineer Personal	A1440.401 Engineer Contract Personnel	Change account code for non-payroll personnel per audit	\$6,600.00
A6989.1 Other Economic Assist Personal	A6989.401 Other Economic Assist Contract Personnel	Change account code for non-payroll personnel per audit	\$4,800.00
A7140.1 Play & Rec Center Personal	A7140.401 Play & Rec Center Contract Personnel	Change account code for non-payroll personnel per audit	\$1,000.00
A7150.1 Special Rec Personal	A7150.401 Special Rec Contract personnel	Change account code for non-payroll personnel per audit	\$550.00
A7310.1 Youth Program Personal	A7310.401 Youth Program Contract personnel	Change account code for non-payroll personnel per audit	\$500.00

MOTION was made by Supervisor Nellis 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	146-215	\$69,789.87
Highway Dept. Fund	62-106	\$40,565.31
Fire Dept. Fund	47-69	\$42,167.73
Recreation Dept. Fund	21-29	\$1,490.69
Refuse and Garbage Fund	3-4	\$97,393.82
Street Lights Fund	5-7	\$5,061.52
Water Fund	7-8	\$5,066.18
Trust & Agency Fund	--	--
Capital Fund	10-16	\$17,992.31
Community Development	--	--

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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 March 2010 were presented by Scott Hultquist, Eden Emergency Squad; Rich Greeley, Eden Fire Chief; 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.

Rich Greeley, Eden Fire Chief requested approval to form a committee for the replacement of Eden Engine 2, which is due to be replaced in 2012.

MOTION was made by Councilwoman Pew to approve the formation of a committee for the replacement of Eden Engine 2, which is due to be replaced in 2012 and was purchased in 1987; seconded by Councilman Ventry; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

Rich Greeley, Eden Fire Chief requested adding Timothy Hanrahan to the active roster of the Eden Fire Department pending a background check and physical.

MOTION was made by Councilwoman Pew to add Timothy Hanrahan to the active roster of the Eden Fire Department pending a background check and physical; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? - None; Motion carried.

Rich Greeley, Eden Fire Chief requested a bid opening for the Itemized Equipment for the Eden Fire Department and the East Eden Fire Department for May 7, 2010 at 4:00 p.m. in the Town Clerk’s office.

MOTION was made by Councilwoman Pew to set a bid opening for Friday, May 7, 2010 at 4:00 p.m. in the Town Clerk’s office for the Itemized Equipment for the Eden Fire Department and the East Fire Department; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Ron Maggs, Highway Superintendent requested up to \$40,000 from the Equipment Reserve Account D9950.9 for the purchase of a Four Wheel Drive, One-Ton Dump Truck as per our replacement schedule, subject to Permissive Referendum.

MOTION was made by Councilman Ventry to approve up to \$40,000 from the Equipment Reserve Account D9950.9 for the purchase of a Four Wheel Drive, One-Ton Dump Truck as per their replacement schedule, subject to Permissive Referendum; seconded by Councilman Krycia; All “Ayes”: Opposed? – None; Abstain? – None; Motion carried.

Ron Maggs, Highway Superintendent requested setting a bid opening date for Thursday, May 6, 2010 at 10:00 a.m. in the Town Clerk’s office for a Four Wheel Drive, One-Ton Dump Truck.

MOTION was made by Councilwoman Pew to set a bid opening date for Thursday, May 6, 2010 at 10:00 a.m. in the Town Clerk’s office for a Four Wheel Drive, One-Ton Dump Truck; seconded by Councilman Ventry; All “Ayes”; Opposed? - None; Abstain? – None; Motion carried.

Ron Maggs, Highway Superintendent requested up to \$8,000 from the Buildings Maintenance Reserve Account A9901.9 for the purchase and installation of two overhead doors subject to Permissive Referendum.

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MOTION was made by Councilman Vacco to approve up to \$8,000 from the Buildings Maintenance Reserve Account A9901.9 for the purchase and installation of two overhead doors subject to Permissive Referendum; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Ron Maggs, Highway Superintendent requested permission to attend Highway School in Ithaca, New York from June 7 – 9, 2010.

MOTION was made by Councilwoman Pew to grant permission to Ron Maggs, Highway Superintendent to attend Highway School in Ithaca, New York from June 7-9, 2010; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? - None; Motion carried.

New and Unfinished Business:

1. Retirement Announcement – Ann Knack as Administrative Assistant & Confidential Secretary

Supervisor Nellis read the following letter dated February 1, 2010:

“It is with mixed emotion that I officially inform you of my decision to retire from my position as full-time Administrative Assistant effective May 1, 2010. I have worked for the Town for over 32 years (over half of my life), and with the encouragement of my family and friends find that it is time for me to start enjoying the next phase of my life, which include retirement. I want to express my appreciation to you and the Town Board, and all the Supervisors and Town Boards I have worked with over the years, for giving me the opportunity to work in my hometown and serve the residents of Eden. Please know that I have thoroughly enjoyed my time here. The flexibility and creativity you have allowed me to pursue in the performance of my job have been greatly appreciated. Please accept my personal best wishes for a successful and productive year. Respectfully, Anna M. Knack, Administrative Assistant”.

Supervisor Nellis, the entire Town Board and Department Heads present expressed their thanks and appreciation to Ann for all her years of service and helpful assistance.

Supervisor Nellis stated that a gathering would be held before the May 12, 2010 Town Board Meeting and a Celebration to be held on May 22, 2010 at 6:00 p.m. at the American Legion in Eden.

2. Presentation – Drescher & Malecki – 2009 Town Audit

Brian Juskiewicz, Manager for Drescher & Malecki presented the Town of Eden Audit Summary for the Fiscal Year Ended December 31, 2009. A copy of the report is available in the Town Clerk’s office during normal business hours.

3. Award – GFOA – Government Finance Officers Association – Year End Audit for 2008

Supervisor Nellis stated that the Town of Eden has been awarded the GFOA – Government Finance Officers Association Award for the year-end Audit for 2008. He expressed his thanks to Ann Knack, Administrative Assistant and Lisa Winter, Bookkeeper for their help throughout the year to make this award possible.

Councilwoman Pew also thanked Supervisor Nellis as the Chief Fiscal Officer for his help in receiving this award.

4. Results of Bid Opening – Replacement of Concrete Floor Slab & Drain Installation at E. Eden Fire Hall

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Supervisor Nellis read the following bid results from the bid opening on Wednesday, April 7, 2010 at 10:00 a.m. in the Town Clerk's office:

Bidders	Amount	Bid Bond/Certified Ck.
Donald J. Braasch Const.	\$71,632.00	Bid Bond
Cloverbank Construction	\$111,040.00	Bid Bond
Louis Del Prince & Sons	\$86,400.00	Bid Bond
Aurora Plumbing Co.	\$81,692.00	Bid Bond
C. Destro Development	\$56,400.00	Bid Bond
Ahrens & Wells	\$84,553.00	Certified Check
Kirst & Construction, Inc	\$91,000.00	Bid Bond

Supervisor Nellis referred to a letter dated April 9, 2010 from Iain Ramage, R.A., LEED A. P. from Nussbaumer & Clarke, Inc. regarding the replacement of Concrete Slab and Trench Drain Installation Project. Mr. Ramage stated that the bid opening was held on April 7, 2010 at 10:00 a.m. in the Town Clerk's office and that Nussbaumer & Clarke has reviewed the prices and corresponding totals for these bids. C. Destro Development Co., Inc. is the low bidder in the amount of \$56,400.00 and Nussbaumer & Clarke recommends that the contract for the Concrete Slab Replacement and Trench Drain Installation Project be awarded to C. Destro Development Co., Inc. in the amount of \$56,400.00.

MOTION was made by Supervisor Nellis to award the bid to C. Destro Development Co. in the amount of \$56,400 based on the recommendation of Iain Ramage, Nussbaumer & Clarke, Inc., for the replacement of Concrete Slab and Trench Drain Installation Project; seconded by Councilman Vacco; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

5. Result of Bid Opening for Construction of Shadagee Road Transmission Waterline

Supervisor Nellis read the following bid results from the bid opening held on Friday, April 9, 2010 at 10:00 a.m. in the Town Clerk's office:

Bidder	Total Amount of Bid
E & R General Construction, Inc.	\$2,860,435.00
Sicar Mgmt. & Construction, Inc.	\$2,952,273.00
Accadia Site Contracting, Inc.	\$3,156,198.00
Fairway Contracting	\$3,240,330.31
Milherst Construction, Inc.	\$3,251,800.00
Kandey Company, Inc.	\$3,254,910.00
Man O' Trees, Inc.	\$3,393,000.00

Supervisor Nellis referred to a letter dated April 12, 2010 from Daniel J. Kolkman, Construction Manager from Conestoga-Rovers & Associates (CRA) regarding the Shadagee Road Waterline Improvement Project, Contract No. 2008-2. They have reviewed the qualifications and experience of the low bidder for the above-referenced project, E & R General Construction, Inc. and have found they have performed similar work acceptably. Therefore, they recommend award of Contract 2008-2 – Shadagee Road Waterline Improvement project, to E & R General Construction, Inc. in the total bid amount of \$2,860,435.00, contingent upon availability of project funding, and review by USDA-Rural Development and the Town Attorney.

MOTION was made by Supervisor Nellis to award the bid E & R General Construction, Inc. in the total bid amount of \$2,860,435.00 based on the recommendation of Conestoga-Rovers & Associates (CRA) and upon availability of project funding and review by USDA-Rural Development and the Town Attorney; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

6. Result of Bid Opening for one new, used or demo ambulance

Supervisor Nellis read the following bid results from the bid opening held on Monday, April 12, 2010 at 10:00 a.m. in the Town Clerk’s office;

Bidders	Amount	Bid Bond/Certified Ck.
Specialty Vehicle Sales	\$129,950.00	Bid Bond
Gorman Emergency Vehicles	\$128,874.00	Bid Bond

Supervisor Nellis read correspondence from Scott Hultquist, Director of Operations for the Eden Emergency Squad recommending Specialty Vehicle Sales in the total bid amount of \$129,950.00, for the purchase of a demo ambulance, which met all specifications and took zero exemptions to the bid.

MOTION was made by Councilman Vacco to award the bid to Specialty Vehicle Sales in the amount of \$129,950.00 for the purchase of one demo ambulance, based on the recommendation of Scott Hultquist, Director of Operation of the Eden Emergency Squad; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

7. Proclamation – Motorcycle Safety and Awareness Month – May

Councilwoman Pew read the following resolution:

**A PROCLAMATION
“MOTORCYCLE SAFETY AND AWARENESS MONTH”**

WHEREAS, motorcycle safety awareness is of critical importance to both riders and potential victims; and

WHEREAS, Erie County experiences several mishaps each year involving motorcycles, more than half ending in fatalities; and

WHEREAS, no single cause is to blame; and

WHEREAS, motorcycle safety awareness has been identified by Governor David Paterson, as well as other government officials, as a priority in traffic safety;

NOW, THEREFORE we as members of the Town Board of the Town of Eden, declare the month of May, 2010 as “Motorcycle Safety and Awareness Month” in our municipality; and

FURHTERMORE we take note of the Saturday, May 1st gathering of area bikers, sponsored by the Buffalo-Erie County Chapter, American Bikers Aimed Toward Education (ABATE) at the Chestnut Ridge County Park at 12 Noon; and

Finally, we resolve that a copy of this proclamation be sent to Mr. Frank Martorana, Legislative Coordinator ABATE, Buffalo/Erie Chapter.

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

8. Resolution setting new public hearing (technicality) for Proposed Water District No. 5

Supervisor Nellis stated that this agenda item would be moved to a Special Meeting of the Eden Town Board to be held on Monday, April 19, 2010 at 6:00 p.m. due to a publishing date of the Public Hearing.

9. Approval of bid for Porta-Potties for Eden Recreation Programs

Supervisor Nellis read correspondence from Susan Brass, Recreation Director regarding quotes received for the Portable Sanitation Services for the 2010 season. The Eden Recreation Advisory Board received two quotes and is requesting the Town Board award Ball Toilet & Septic Services, which was the low quote at \$2,040.98.

MOTION was made by Councilwoman Pew to award the bid to Ball Toilet & Septic Services at the amount of \$2,040.98; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? - None; Motion carried.

10. Resolution supporting County Highway Budget as proposed by County Executive Chris Collins to the Erie County Legislature

Supervisor Nellis read the following resolution:

**EDEN TOWN BOARD RESOLUTION
COUNTY BUDGET FUNDING
FOR MAINTENANCE OF COUNTY ROADS**

WHEREAS, County roads are critically important to municipalities, especially in driving from one municipality to another; and

WHEREAS, in recent years the County roads have not been appropriately maintained often because of cutbacks in funding in the County Budget; and

WHEREAS, potholes, rough roads and poor shoulders often cause excessive wear and tear to individual cars and trucks and thus excessive repair costs for individual drivers to absorb; and

WHEREAS, well maintained roads reflect positively on local municipalities as well as the County Government for visitors/tourists visiting our area;

NOW, THEREFORE IT IS RESOLVED that the County Legislature is urged by the Eden Town Board to provide the funds required by the County to properly repair and maintain their roads as they exist in our various municipalities; and

BE IT FURTHER RESOLVED that the County Legislature requires a longer term County Master Plan for repair and most importantly maintenance of roads tied to appropriate funding in the County Budget.

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

11. Resolution authorizing the Supervisor to enter into a contract with Erie County for the 2010-2011 Community Development Block Grant Project

Supervisor Nellis requested authorization to enter into a contract with Erie County for the 2010-2011 Community Development Block Grant Project, Pre-Vocational Center (SASI).

MOTION was made by Councilwoman Pew to authorize Glenn R. Nellis, Supervisor to execute the agreement between the Town of Eden and Erie County for implementation of the 2010-2011 Pre-Vocational Center (SASI) Community Block Grant Project; seconded by Councilman Krycia; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

12. Resolution – Armed Forces Week

Councilwoman Pew read the following resolution:

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**TOWN OF EDEN PROCLAMATION
WESTERN NEW YORK ARMED FORCES WEEK**

WHEREAS, A Veteran is someone who, at one point in his or her life, wrote a blank check, made payable to the United States of America, for the amount of “up to and including his or her Life”, whether active duty, reserve, discharged or retired; and

WHEREAS, We recognize the Men and Women of our Armed Forces for their honor, courage, devotion to duty and their personal sacrifices for “Our Freedom”; and

WHEREAS, We hold the deepest respect for all Veterans, past, present and future who have and will go I Harms Way to protect and defend “Our Freedom” and

WHEREAS, We the People do recognize their individual sacrifices and at times giving their last full measure to sustain “Our Freedom”; and

WHEREAS, “Freedom Isn’t Free; and

WHEREAS, We thank them for our way of Life, Liberty and Freedom of Choice they have guaranteed to all of us by their service in our Armed Forces – Army, Navy, Marines, Air Force and Coast Guard. We honor them and will “Never Forget” what they have done for us; now

THEREFORE, We, the Town Board, join the County Executives and Supervisors of the 8 Great Western New York Counties in proclaiming and recognizing:

**The 50th Anniversary of Western New York Armed Forces Week
Sunday, May 2, through Saturday, May 8, 2010
To remember our Veterans for their sacrifices for the
“Freedom We Enjoy Today”
and encourage everyone to attend the
Armed Forces Week Opening Ceremony
Scheduled for Sunday, May 2nd at 12:45 p.m. at the
Buffalo and Erie County Naval and Military Park**

MOTION was made by Councilwoman Pew to adopt the proclamation; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

13. Police Department – Sergeant Position

Supervisor Nellis stated that correspondence was received from Erie County Personnel regarding the creation of a civil service Sergeant Position for the Eden Police Department. It is necessary for the Town Board to authorize this position as a certified classification competitive position, Sergeant to the Eden Police Department.

MOTION was made by Councilman Vacco to create the position of Sergeant to the Eden Police Department as a certified classification competitive position; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried

Supervisor’s Report:

- Eden/North Collins Food Pantry will be holding an Open House and Informational Night on Thursday, April 29th at 7:00 p.m. at Holy Spirit Church Hall, Haley Road, North Collins, New York.
- Spring Town-wide Garage Sale to be held on Saturday, May 15th. Contact the Eden Chamber of Commerce to be listed in the Penny Saver.
- Scrap Metal and Tire drop-off to be held on Saturday, April 24, 2010 from 9:00 a.m. to 1:00 p.m. at the Eden Highway Department.

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Hearing of Visitors:

Charles Russell

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 9:10 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