

July 14, 2010

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
JULY 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:

Ronald C. Maggs	-	Superintendent of Highways
John McCarthy	-	Eden Police Department
Rich Greeley	-	Eden Fire Chief
Scott Hultquist	-	Eden Emergency Squad
Scott Henry	-	Code Enforcement Officer
Susan Brass	-	Recreation Director
Ray Zabron	-	Dog Control Officer

OTHERS PRESENT:

William Trask	-	Town Attorney
Mary Jo Hultquist	-	Town Clerk
Lisa Greiner	-	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.

Presentation:

Supervisor Nellis read the following resolution:

RESOLUTION

HONORING FRANK MANTIONE

WHEREAS, Frank Mantione has served as a Citizen volunteer to Town Government in Eden for many years; and

WHEREAS, Frank has also provided outstanding leadership as a volunteer serving as Chair of the Conservation Committee which eventually became the duly approved Conservation Board for the Town of Eden; and

WHEREAS, during Frank's chairmanship of the Conservation Committee/Board, a number of initiatives were undertaken, including

- 1. Established an index of soils which exist in the Town;*
- 2. Established a catalogue of various properties by soil type throughout our 40 square mile town;*
- 3. Met the State requirements for converting the Conservation Committee to a State certified Conservation Board;*

4. *Proposed a new conservation easement law which was adopted in 2004 and continues to work on implementation of said law; and*

WHEREAS, *Frank has spread the influence of the Conservation Board by serving on other Town committees as well, including: Special Committee on drafting a Farmland Protection Plan for the Town and Drainage Committee; and*

WHEREAS, *Frank’s service as a citizen volunteer has provided an example of leadership by “doing” for all of us;*

NOW, THEREFORE, BE IT RESOLVED, *that the Eden Town Board wholeheartedly thanks Frank for his commitment of time and talent to our community, and we also express our delight that Frank, while giving up the chairmanship, will continue to serve as a Board member in service to our Town.*

Approval of Minutes:

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of June 2, 2010; there were none.

MOTION was made by Councilman Vacco to approve the Town Board Minutes of June 2, 2010 as presented; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of June 9, 2010; there were none.

MOTION was made by Councilman Ventry to approve the Town Board Minutes of June 9, 2010 as presented; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? - None; Motion carried.

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of June 23, 2010; there were none.

MOTION was made by Councilman Krycia to approve the Town Board Minutes of June 23, 2010 as presented; seconded by Councilwoman Pew; “Ayes”; Nellis, Krycia, Pew, Vacco; Opposed? – None; Abstain? – Ventry; Motion carried.

Petitions:

There were none.

Budget Transfers/Amendments:

From Account	To Account	Reason for Amendment	Amount
SF909 Fund Balance	SF9950.9 Transfer to Capital	Expenses for East Eden Bldg. Repair	\$42,327.23
A2665 Sale of Equipment	A4540.2 Em. Squad Equip.	Decals for new Ambulance	\$2,150.00
A3089 NYS Grant	A8750.4 Agri. & Livestock	Apply Grant Money to Farmland Trust	\$2,500.00
A8790 General Maintenance Reserve	A1620.4 Town Hall Contractual	Transfer from Gen. Reserve for cost of new windows per Permissive Referendum	\$4,212,60
A8790 General Maintenance Reserve	A1640.4 Town Hall Contractual	Transfer from Gen. Reserve for cost of new windows per Permissive Referendum	\$1,351.20

MOTION was made by Councilwoman Pew to approve the Budget Transfers/Amendments as presented; seconded by Councilman Vacco as presented; 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	340-421	\$60,528.64
Highway Dept. Fund	170-211	\$139,966.98
Fire Dept. Fund	109-131	\$15,449.83
Recreation Dept. Fund	61-87	\$9,488.34
Refuse and Garbage Fund	8	\$47,770.10
Street Lights Fund	13-15	\$4,229.69
Water Fund	14-15	\$5,076.89
Trust & Agency Fund	--	--
Capital Fund		
H8320.401	20-22	\$485,298.74
H8320.402	5	\$100.00
H3410.2	3-4	\$42,327.23
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 June 2010 were presented by Scott Hultquist, Eden Emergency Squad; Rich Greeley, Eden Fire Chief; Supervisor Nellis for Andrew Breier, East Eden Fire Chief; John McCarthy for Michael Felschow, Eden Police Chief; Ray Zabron, Dog Control Officer; Ronald Maggs, Superintendent of Highways; William Trask, Town Attorney; Mary Jo Hultquist, Town Clerk; Scott Henry, Zoning Code Enforcement Officer; Susan Brass, Recreation Director. All reports are on file in the Town Clerk’s office.

Rich Greeley, Eden Fire Chief requested adding Ryan Sheehan and Joshua Kunch to the active roster of the Eden Fire Department, pending a background check and physical.

MOTION was made by Councilwoman Pew to add Ryan Sheehan and Joshua Kunch to the active roster of the Eden Fire Department, pending a background check and physical; seconded by Councilman Ventry; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

Rich Greeley, Eden Fire Chief stated that Herbert Stocksclaeder at 2398 Shadagee Road has donated the house at that location to the Eden Fire Department for purposes of training and a controlled burn. William Trask, Town Attorney asked if consent of waiver and liability form had been completed and the insurance company notified. Mr. Greeley and Lisa Greiner, Administrative Assistant stated that the form is in the works and the insurance company has been notified.

MOTION was made by Councilman Ventry to approve the training and controlled burn at 2398 Shadagee Road by the Eden Fire Department after review by Town Attorney; seconded by Councilwoman Pew; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

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William Trask, Town Attorney requested setting a Public Hearing on the Franchise Agreement for Time Warner Cable on August 11, 2010 at 8:00 p.m.

MOTION was made by Supervisor Nellis to set a Public Hearing for August 11, 2010 at 8:00 p.m. for the Franchise Agreement for Time Warner Cable; seconded by Councilwoman Pew; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

William Trask, Town Attorney requested payment for a voucher that was presented from Property Care in the amount of \$676.97 for an emergency enclosure after a fire at 2408 New Jerusalem Road. Mr. Trask also requested the Town Board establish a new policy that the Fire Chiefs contact the Code Enforcement Officer, who has the authority to deem if a building requires an emergency enclosure. If the insurance company does not pay the cost involved the Town could then place a lien on the property owner and recover the cost through the taxes.

MOTION was made by Councilwoman Pew to authorize the payment to Property Care in the amount of \$676.97; seconded by Councilman Vacco; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

William Trask, Town Attorney requested permission to apply to court for removal and relocation of a gravesite in the Clarksburg Union Burial Ground Cemetery due to the storm last August, which costs were included in the FEMA Grant.

MOTION was made by Councilwoman Pew to authorize William Trask to apply to court for removal and relocation of a gravesite in the Clarksburg Union Burial Ground Cemetery, with costs to be paid by funds received from the FEMA Grant; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

New and Unfinished Business:

1. Approval of bid for Hamlet (Route 62) water pipe replacement work

Supervisor Nellis read the following resolution:

**RESOLUTION
TOWN OF EDEN, EDEN TOWN BOARD JULY 14, 2010
AWARDING CONTRACT ON
ROUTE 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 previously authorized the advertising for bids on the “Route 62” portion of such project and

WHEREAS, bids have been received and CRA has recommended that the Town Board proceed to award the project construction contract.

NOW, THEREFORE, it is hereby

RESOLVED, that the Eden Town Board does hereby award Contract No. 2008-1 – Route 62 Watermain Replacement to E & R General Construction, Inc. in the total amount of \$1,710,920.00 (including Alternates 1 & 2), with the Town reserving the right to reduce the scope of the Project with respect to Alternate 1 & 2; contingent upon confirming availability and approval of project funding by Rural Development, and it is further

RESOLVED that Notice to Proceed given to the contractor shall specify that no construction site activities shall begin prior to August 9, 2010 due to the Eden Corn Festival scheduled for August5-8, 2010.

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

2. Correction to Fireworks Display Permit to designate “current” Chief Of Police as reviewing officer and “current” Fire Chiefs as alternative reviewing officers.

This item was tabled to be moved to “Old Business” for clarification and further discussion.

3. FEMA Projects – Clarksburg Road and possibly others.

Supervisor Nellis read the following resolution:

**RESOLUTION
TOWN OF EDEN, EDEN TOWN BOARD JULY 14, 2010
AUTHORIZING ADVERTISING FOR BIDS ON
CLARKSBURG ROAD TEMPORARY SLOPE STABILIZATION PROJECT**

WHEREAS, FEMA has awarded funds to the Town of Eden for the Clarksburg Road Temporary Stabilization Project (hereinafter, the “Project”), in said Town, and

WHEREAS, the Eden Town Board has been advised by project engineer, Nussbaumer & Clarke, Inc. (hereinafter “Nussbaumer”) that all necessary agency approvals have been obtained and the design and engineering for such Project is completed, and

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

WHEREAS, Nussbaumer 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 timely published and posted so as to provide for a bid opening on August 5, 2010 at 10:15 a.m. local time at the Eden Town Clerk’s office, on the Project.

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

4. Highway Department – Declare (2) dump trucks surplus. Permission to sell both at auction

Ron Maggs, Highway Superintendent requested the following action of the Eden Town Board:

- a. Declare 2002 Chevrolet CK3500 1-Ton Dump Truck (Vin #1GBJK34U9E175094) with plow and sander surplus.

MOTION was made by Councilwoman Pew to declare 2002 Chevrolet CK3500 1-Ton Dump Truck surplus; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain?- None; Motion carried.

- b. Declare 1972 Oshkosh P2044 Dump Truck (Vin #12619 surplus.

MOTION was made by Councilman Ventry to declare 1972 Oshkosh P2004 Dump Truck surplus; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

- c. Permission to sell both at auction.

MOTION was made by Councilwoman Pew to give permission to Ron Maggs, Highway Superintendent to sell both dump trucks at auction at his discretion; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

5. Acceptance of resignation of Frank Mantione from Conservation Board and appointment to positions of Conservation Board/Resolution of appreciation for Frank Mantione

Supervisor Nellis read the following memo received from Lisa Greiner, Administrative Assistant regarding Conservation Board Resignation and Appointments:

“At the Conservation Board meeting on June 22, 2010, the Board accepted the resignation of Frank Mantione as Chairperson. The Board recommended Lamont Beers as next Chairperson. The Board also recommended Mary Jane Bolo be appointed as Vice-Chairperson and Judith Striebich as Secretary.”

MOTION was made by Supervisor Nellis to accept the resignation of Frank Mantione as Chairperson of the Conservation Board with regrets and great appreciation for years served and to appoint Lamont Beers as next Chairperson, Mary Jane Bolo as Vice-Chairperson and Judith Striebich as Secretary; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

6. Drainage easement concerns at 8426 Randall Place

This item was tabled to be moved to “Old Business” for further discussion.

7. Multi-Dwellings – Zoning Law change

Supervisor Nellis presented a proposed local law amending the Town of Eden Zoning Law to allow Multiple Dwellings in the General Industrial District by Special Use Permit of the Eden Town Board.

After much discussion the following motion was offered:

MOTION was made by Supervisor Nellis to forward the proposed local law to the Planning Board for their review and recommendation; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Hearing of Visitors:

There were none.

Adjournment:

MOTION was made by Councilman to adjourn the Regular Meeting of the Eden Town Board; seconded by Councilman ; 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 11:00 P.M.

Respectfully submitted by,

Mary Jo Hultquist, Town Clerk

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