

August 11, 2010

**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
AUGUST 11, 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
Rich Greeley	-	Eden Fire Chief
Scott Henry	-	Code Enforcement Officer
Susan Brass	-	Recreation Director
Ray Zabron	-	Dog Control Officer

**OTHERS PRESENT:**

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 7:45 P.M.

**Pledge of Allegiance:**

Supervisor Nellis led the assembly in the Pledge of Allegiance to the flag followed by a moment of silence.

**Presentation:**

Supervisor Nellis presented certificates from Lovell Safety Management representing no workers compensation claims from July 1, 2008 to July 1, 2009.

**Approval of Minutes:**

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of July 14, 2010; there were none.

**MOTION** was made by Councilman Ventry to approve the Town Board Minutes of July 14, 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 July 28, 2010; there were none.

**MOTION** was made by Councilman Ventry to approve the Town Board Minutes of July 28, 2010 as presented; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? - None; Motion carried.

**Petitions:**

There were none.

**Budget Transfers/Amendments:**

From Account	To Account	Reason for Amendment	Amount
A8790 General Maintenance Reserve	A1640.4 Central Garage Contractual	General Maintenance Reserve used for new garage doors per permissive referendum	\$7,649.00
A1990.4 Contingent Fund	A1920.4 Municipal Assoc. Dues	Increase in CAFR Application Fee	\$15.00

**MOTION** was made by Councilwoman Pew to approve the Budget Transfers/Amendments as presented; seconded by Councilman Krycia; 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	422-483	\$45,154.11
Highway Dept. Fund	212-237	\$124,827.18
Fire Dept. Fund	132-153	\$30,431.68
Recreation Dept. Fund	88-111	\$10,059.71
Refuse and Garbage Fund	10-11	\$48,064.60
Street Lights Fund	16-18	\$4,160.55
Water Fund	16-18	\$5,607.86
Trust & Agency Fund	--	--
Capital Fund		
H8320.401	23-25	\$707,716.17
H8320.402	6-8	\$407.98
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 July 2010 were presented by Rich Greeley, Eden Fire Chief; Supervisor Nellis 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; 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.

Ron Maggs, Highway Superintendent acting as Chairperson of the Off-Road Drainage Committee recommending that the board approve the following projects that the committee has agreed upon:

To approve Project 2010-04 – Cleaning drainage near 2020 Pontiac Road heading north approximately 700’ at a cost not to exceed \$3,500.

**MOTION** was made by Supervisor Nellis to approve Project 2010-04 as presented by Ron Maggs; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Ron Maggs also reported that the grant for the solar panels for the Town Hall and the Highway Building had been denied.

Dave Johnson, Town Engineer and Ron Maggs, Highway Superintendent stated that a Speed Limit Committee meeting was needed and that a representative from Nussbaumer and Clarke would need approval to attend future meetings as a Transportation Engineer at a cost of \$87.50/hour.

**MOTION** was made by Supervisor Nellis to approve the Transportation Engineer at a cost of \$87.50/hour not to exceed \$500.00 for the remainder of the year 2010; seconded by Councilman Ventry; All “Ayes”; Opposed? - None; Abstain? – None; Motion carried.

Councilman Ventry requested that a representative from the Assessors office attend the Town Board meetings.

**MOTION** was made by Councilman Ventry to close the Regular Meeting of the Eden Town Board for public hearing; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis closed the Regular Meeting at 8:00 p.m.

**MOTION** was made by Councilman Ventry to open the Public Hearing for the Time Warner Cable Franchise Renewal ; seconded by Councilwoman Pew; All “Ayes”; Opposed? - None; Abstain? – None; Motion carried.

Supervisor Nellis opened the Public Hearing at 8:00 p.m.

**8:00 P.M.  
Public Hearing  
Time Warner Cable Franchise Agreement**

Supervisor Nellis explained the purpose of the public hearing was to listen to any concerns or questions that citizens have.

There were no comments.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the Public Hearing at 8:05 p.m.

**MOTION** was made by Councilman Krycia to close the Public Hearing and go back into regular session of the Regular Meeting of the Eden Town Board; seconded by Councilwoman Pew; All “Ayes”; Opposed? - None; Abstain? – None; Motion carried.

**New and Unfinished Business:**

**1. Bid approval on Clarksburg Road**

Supervisor Nellis read the following bid results and correspondence from David Johnson, Town Engineer:

<b>Contractor</b>	<b>Total Bid Amount</b>	<b>Bid Bond</b>
David J. Braasch Const.	\$327,942.00	Bid Bond
ERW Enterprises, Inc.	\$292,700.00	Bid Bond
Mark Cerrone, Inc.	\$295,896.00	Bid Bond
New Frontier Excavating & Paving Inc.,	<b>\$249,534.29</b>	Bid Bond
Occhino Corporation	\$271,387.40	Bid Bond
Building Solution	\$269,587.24	Bid Bond

“On August 5, 2010 at 10:15 a.m. the Town of Eden received, opened and publicly read aloud bids for construction of the above referenced project. Nussbaumer and Clarke, Inc. has reviewed the prices and corresponding totals for these bids. New Frontier Excavating & Paving, Inc. is the low bidder in the amount of \$249,534.29. Nussbaumer has checked references regarding New Frontier on several previous projects, and all were completed successfully and to the satisfaction of the owners. Based on our review of the bids and our discussion with New Frontier about this project, Nussbaumer recommends that the contract for the Clarksburg Road Temporary Slope Stabilization Project be awarded to New Frontier in the amount of \$249,534.29.”

**MOTION** was made by Councilman Vacco to award the bid to New Frontier Excavating & Paving, Inc. in the amount of \$249,534.29 as recommended by Dave Johnson, Town Engineer; seconded by Councilman Krycia; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

**2. Correction to Fireworks Application designating current Chief of Police as reviewing officer and current Fire chief as alternate reviewing officer**

Supervisor Nellis stated that a correction was made to the application for a Fireworks Display, specifically item number 14, designating the current Chief of Police as the reviewing officer and the current Fire Chief as the alternate reviewing officer.

**MOTION** was made by Councilman Vacco to correct the application as stated; seconded by Councilman Ventry; All “Ayes”; Opposed?- None; Abstain?- None; Motion carried.

**3. Approval of renewal of Allied Waste Systems Contract**

Supervisor Nellis recommended approval of a one-year renewal of our contract with Allied Waste Services effective January 1, 2011. It is the Town’s sole option to renew and we could renew our current contract for three one-year periods. 2011 will be the 3<sup>rd</sup> one-year renewal, so in 2011 we will be putting out to bid our garbage contract.

**MOTION** was made by Supervisor Nellis to renew for one year our contract with Allied Waste Services effective January , 2011; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? - None; Motion carried.

**4. Approval of “Bronze” Agreement with ThyssenKrupp Elevator and authorize Supervisor Nellis to sign Agreement**

Supervisor Nellis read correspondence from Noel Herchell, Branch Manager, ThyssenKrupp Elevator, regarding the elevator maintenance agreement. The price for the services as stated in the agreement shall be \$71.02 per month for the “Bronze” agreement, excluding taxes, payable quarterly in advance, for 10-years starting August 1, 2010. Supervisor Nellis would also need approval to sign the agreement.

**MOTION** was made by Councilman Krycia to approve the “Bronze” agreement at \$71.02 per month for 10-years and authorize Supervisor Nellis to sign the agreement; seconded by Councilman Vacco; All “Ayes”; Opposed? - None; Abstain? – None; Motion carried.

**5. Approval of Time Warner Cable Renewal Contract**

Councilwoman Pew stated that the Time Warner Cable Renewal Contract had been reviewed by the Town Attorney and the Technology Committee and having found no changes, approval was needed at this time.

**MOTION** was made by Councilwoman Pew to approve the 10-year contract with Time Warner Cable; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**6. Appointment of part-time Police Officers as recommended by Chief Felschow**

Supervisor Nellis read correspondence from Michael Felschow, Chief of Police requesting the appointment of 2 (two) part-time police officers, James Pierce and Richard Rogers. Mr. Felschow stated that both officers should be ready to go on the road in October and that both officers have completed the necessary training.

**MOTION** was made by Councilwoman Pew to approve the appointment of James Pierce and Richard Rogers as part-time police officers; seconded by Councilman Vacco; All “Ayes”; Opposed? - None; Abstain? – None; Motion carried.

**7. Special Use Permit request**

Supervisor Nellis received correspondence from Dr. Robert Hornberger regarding Inside/Outside Storage Facility at 8800 South Main Street. Supervisor Nellis requested that this agenda item be referred to the Eden Planning Board, referred to the Erie County Department of Environment and Planning and to set a Public Hearing for September 22, 2010 at 8:00 p.m.

**MOTION** was made by Supervisor Nellis to refer the Special Use Permit for Dr. Robert Hornberger for the Inside/Outside Storage Facility at 8800 South Main Street to the Eden Planning Board for their recommendation, to the Erie County Department of Environment and Planning and to set a Public Hearing for September 22, 2010 at 8:00 p.m.; seconded by Councilwoman Pew; All “Ayes”; Opposed?- None; Abstain? – None; Motion carried.

**8. Air Conditioning Bids –Eden Fire Hall**

Supervisor Nellis read correspondence regarding three (3) bids on Eden Fire Hall Air Conditioning project.

The following bids were received:

Benzinger Plumbing & Heating	\$11,900.00
Dominic’s Plumbing, Inc.	\$13,100.00
Joseph V. Schmigel Plumbing & Heating	\$13,600.00

**MOTION** was made by Supervisor Nellis to award the bid to Benzinger Plumbing and Heating, as the low bidder at \$11,900.00; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain?- None; Motion carried.

**Note:** Rich Greeley, Eden Fire Chief is employed by Benzinger, but was not involved in the bid process.

**9. NYS Retirement System**

Supervisor Nellis read correspondence from Lisa Winter, Bookkeeper, regarding The NYS Retirement System’s regulation regarding any elected or appointed position that is a member of the NYS Retirement System and does not use a time-keeping system, must prepare a record of work-related activities (log) for three consecutive months. A list of employees was included in the memo.

This is informational in nature and will be completed during the months of September, October and November 2010.

**Supervisor’s Report:**

- August 26, 2010 – Association of Erie County Governments
- August 31, 2010 – Department of Environment and Planning

August 11, 2010

**Hearing of Visitors:**

Joe Klug

**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 8:50 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