

April 13, 2011

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
APRIL 13, 2011
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 |
| Jack Rigley | - | Eden Fire Chief |
| Chris Brind'Amour | - | East Eden Fire Chief |
| Robert Pietrocarlo | - | Chairman Board of Assessors |
| 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 7:35 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 9, 2011; there were none.

MOTION was made by Councilman Ventry to approve the Town Board Minutes of March 9, 2011 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 March 23, 2011; there were none.

MOTION was made by Councilman Ventry to approve the Town Board Minutes of March 23, 2011 as presented; seconded by Councilman Vacco; All "Ayes"; Opposed? – None; Abstain? - None; Motion carried.

Petitions:

There were none.

Budget Transfers/Amendments:

Supervisor Nellis read the following Budget Transfers/Amendments:

| From Account | To Account | Reason for Amendment | Amount |
|---|--|---|---------------|
| A1990.4 Contingent Fund | A3620.4 Safety Inspection | Complete Code Book-Fire Inspector | \$467.00 |
| A7140.1 Playground Recreation Personal | A7140.4 Playground Recreation Contractual | Correct Budget Account Code for Adult Volleyball | \$500.00 |
| A7150.1 Special Recreation Facilities Personal | A7150.4 Special Recreation Facilities Contractual | Correct Budget Account Code for Ski Coordinator | \$550.00 |
| A2192 Special Recreation Facilities Personal | A8810.4 Cemetery Contractual | Apply revenue rec'd for burial at North Evans cemetery towards cost of burial | \$650.00 |

MOTION was made by Councilwoman Pew 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 | 142-233 | \$105,182.18 |
| Highway Dept. Fund | 72-110 | \$40,650.10 |
| Fire Dept. Fund | 56-71 | \$37,127.07 |
| Recreation Dept. Fund | 17-30 | \$2,988.34 |
| Refuse and Garbage Fund | 5-6 | \$95,321.20 |
| Street Lights Fund | 3-8 | \$10,452.03 |
| Water Fund | 7-12 | \$9,859.48 |
| Trust & Agency Fund | -- | -- |
| Capital Fund | | |
| H3410.2 | 6 | \$2,286.51 |
| H8320.401 | 2-4 | \$216,824.42 |
| H8320.402 | 3-6 | \$46,750.00 |
| 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 March 2011 were presented by Scott Hultquist, Eden Emergency Squad; Jack Rigley, Eden Fire Chief; Chris Brind'Amour 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;

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Robert Pietrocarlo, Chairman Board of Assessors. All reports are on file in the Town Clerk's office.

Jack Rigley, Eden Fire Chief requested a bid opening for the Itemized Equipment for the Eden Fire Department and the East Eden Fire Department for May 6, 2011 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 6, 2011 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 permission to attend Highway School in Ithaca, New York from June 6 – 8, 2011.

MOTION was made by Councilwoman Pew to grant permission to Ron Maggs, Highway Superintendent to attend Highway School in Ithaca, New York from June 6-8, 2011; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? - None; Motion carried.

Susan Brass, Recreation Director requested the expenditure of funds from the Recreation Equipment Reserve fund to purchase a new baseball infield grooming machine, which is subject to a 30-day referendum. The Recreation Department is seeking to spend \$10,464 from the reserve account on a Smith Co. 42-400A grooming machine from Moffett Turf Equipment.

MOTION was made by Councilman Vacco to approve the request from the Recreation Director to expend funds from the Recreation Equipment Reserve fund to purchase a new baseball infield grooming machine, Smith Co. 42-400A, from Moffett Turf Equipment at a cost of \$10,464, subject to a permissive referendum; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? - None; Motion carried.

MOTION was made by Councilman Krycia to close the Regular Meeting of the Eden Town Board and open the Public Hearing; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? - None; Motion carried.

Supervisor Nellis closed the Regular Meeting of the Eden Town Board and opened the Public Hearing at 8:00 p.m.

8:00 P.M.
Public Hearing
Local Landmark Status for
Regional Farm Museum
8320 North Main Street
Eden, New York

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

The following people spoke or asked questions:

George Zittel
Ron Maggs

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

MOTION was made by Councilwoman Pew to close the public hearing and open the Regular Meeting of the Eden Town Board; seconded by Councilman Vacco; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

New and Unfinished Business:

1. Setting of Public Hearing on use of money saved on Shadagee Road Project to additional old water pipe replacement in Town

Stephen Waldvogel reported that a savings of approximately \$500,000.00 from the Shadagee Road/Route 62 water project was intended to be used for other projects in the Town, but word from the Federal Government has requested that the money not spent be returned to them. No action will be taken tonight on setting a public hearing.

2. Approval of draft Letter of Commitment for MS4 project for the year

Supervisor Nellis read the following “Letter of Commitment”

The Town of Eden in cooperation with the Western New York Stormwater Coalition, is a project partner on the Erie County Department of Environment and Planning’s Round 10 Water Quality Improvement Project – 2010 WQI 10222. The primary focus of the project, entitled Western New York Stormwater Coalition: Storm Sewer Mapping Project, is to map storm sewer conveyance systems including: catch basin and manhole locations; number and size of connections (inlets/outlets) direction of flow; and delineation of storm sewer sheds for the MS4 communities in Erie and Niagara County. Should the project receive funding, the Town of Eden agrees to the following roles and responsibilities as a project partner:

1. Town of Eden will make available existing storm sewer maps, both paper maps and electronic files, for the purpose of utilizing existing information and planning field work.
2. Town of Eden will assist a field crew during the data collection component of the project in their respective MS4.
3. Town of Eden will contribute in kind services to help meet the required local match of 25%. The in kind services will be salary and fringe for municipal staff participating in the data collection component of the field work conducted in their respective MS4.

A signature and title was required by Supervisor Nellis.

MOTION was made by Councilwoman Pew to authorize Supervisor Nellis to sign the “Letter of Commitment” upon final review of Town Attorney; seconded by Councilman Krycia; All “Ayes”; Opposed? - None; Abstain? – None; Motion carried.

3. Presentation of Financial Audit

Supervisor Nellis introduced Wayne Drescher and Luke Malecki, partners from the accounting firm of Drescher & Malecki, LLP. They presented the Town Board with copies of the Town Audit and reported that there were no issues or problems and that the Town of Eden is in a good financial position.

4. Rescheduling of Public Hearing for Special Use Permit for Automotive Repair Shop at 7341 Southwestern Blvd. – May 11, 2011, upon the recommendation of the Eden Planning Board

Supervisor Nellis requested that this item be moved to “Old Business” to be reviewed and discussed at a future Town Board Meeting.

5. Proclamation – Motorcycle Safety and Awareness Month – May

Supervisor Nellis read the following resolution:

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

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

WHEREAS, in the past year Erie County ranked 3rd in motorcycle fatalities across New York State; and

WHEREAS, no single cause is to blame; and

WHEREAS, motorcycle safety awareness has been identified 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, 2011 as “Motorcycle Safety and Awareness Month” in our municipality; and

FURHTERMORE we take note of the Saturday, May 7th 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. Damian Ruzbaki, President of ABATE, as well as to all Mayors and Supervisors who are members of the Association of Erie County Governments.

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

6. Approve Porta Johns quote for recreation facilities

Supervisor Nellis read correspondence from Susan Brass, Recreation Director regarding quotes received for the Portable Sanitation Services for the 2011 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 \$2,458.78.

MOTION was made by Councilwoman Pew to award the bid to Ball Toilet & Septic Services at the amount of \$2,458.78; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? - None; Motion carried.

7. Resolution – Erie County Legislature

Supervisor Nellis read the following resolution:

**RESOLUTION
REAPPORTIONMENT OF ERIE COUNTY LEGISLATURE**

WHEREAS, the Erie County Legislature is constitutionally required to reapportion its districts in 2011; and

WHEREAS, the Erie County Legislature has voted to downsize from 15 to 11 members based on strong public support of this action; and

WHEREAS, by remaining intact within one legislative district a town, such as Eden, will more likely have its community-wide interest represented by a legislature who knows they are solely responsible for representing the Town of Eden.

NOW, THEREFORE BE IT RESOLVED that the Town Board of the Town of Eden does hereby request that Erie County Advisory Committee on Reappointment and the Erie County Legislature respect and adhere to the public policy of New York state in not dividing towns within Erie county with a population of no more than 91,904, being 110% of the size of an average county legislative district; and be if further

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RESOLVED that the Town Board of the Town of Eden does hereby request that any such final plan adhere to such policy and not divide the Town of Eden between or among different legislative districts but maintain the Town of Eden wholly within the boundaries of a single county legislative district; and be it further

RESOLVED, that the Town Board does hereby extend an invitation to the Committee to conduct a public hearing to hear the opinions of the residents of the Town of Eden; and be it further

RESOLVED, that a local hearing in the Town of Eden can be conducted at the Town Hall (or local high school) and this Board will cooperate by assisting in making arrangements to conduct such a public hearing; and be it further

RESOLVED, that a copy of this resolution shall be immediately communicated to the Erie County Citizens Advisory Commission on Reapportionment and to the Erie County Legislature for consideration in the upcoming deliberations on the Legislative Reapportionment Plan for 2011.

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

8. Approval of Landmark Status – Eden Farm Museum

MOTION was made by Councilman Krycia to approve Landmark Status to the Eden Farm Museum at 8320 N. Main Street based on the recommendation of the Historic Review Committee and the Eden Town Board; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Hearing of Visitors:

Robert Stickney

Adjournment:

MOTION was made by Councilwoman Pew 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 8:50 P.M.

Executive Session:

Supervisor Nellis adjourned the Executive Session of the Eden Town Board Meeting at 10:30 P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk