

October 12, 2011

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
OCTOBER 12, 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 (<i>Absent</i>)
RICHARD S. VENTRY	-	COUNCILMAN

DEPARTMENT HEADS PRESENT:

Dave Johnson	-	Town Engineer
Ronald C. Maggs	-	Superintendent of Highways
Michael J. Felschow	-	Chief of Police
Jack Rigley	-	Eden Fire Chief
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 7:40 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 September 14, 2011; there were none.

MOTION was made by Councilman Ventry to approve the Town Board Minutes of September 14, 2011 as presented; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of September 28, 2011; there were none.

MOTION was made by Councilwoman Pew to approve the Town Board Minutes of September 28, 2011 as presented; seconded by Councilman Ventry; 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
A1410.4 Town Clerk Contractual	A1410.2 Town Clerk Equipment	Portion of Copier purchase that exceeded budgeted amount	\$2,676.00
A2115 Planning Board Fees	A8020.4 Planning Contractual	Apply Planning Board fees collected to expenses incurred	\$400.00
A1910.4 Contingent Fund	A3020.4 Public Safety Communications	Radio Programming	\$200.00

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.

Supervisor Nellis read the following Highway Budget Transfers/Amendments:

Date	From	To	Description	Amount
10-12-11	D2770	D5110.4	Pipe Permits	\$1,724.60
10-12-11	D5120.2	D5110.4	Budget Adj.	\$6,000.00
10-12-11	D5120.4	D5110.4	Budget Adj.	\$6,000.00
10-12-11	D2801	D5110.4	Off-Road Drainage #2011-02	\$1,000.00
10-12-11	D2801	D5110.4	Off-Road Drainage #2011-01	\$3,500.00
10-12-11	D2801	D5110.4	Off-Road Drainage #2010-09	\$619.03

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	548-609	\$98,148.65
Highway Dept. Fund	276-307	\$90,778.28
Fire Dept. Fund	185-211	\$11,412.76
Recreation Dept. Fund	121-129	\$4,139.71
Refuse and Garbage Fund	14-17	\$49,245.06
Street Lights Fund	24-26	\$4,560.33
Water Fund	25-28	\$10,179.31
Trust & Agency Fund	--	--
Capital Fund		
H8320.401	28-30	\$66,439.36
H8320.402	22-24	\$94,637.20
H3410.2	24-28	\$124,037.86
Community Development	--	--

MOTION was made by Councilwoman Pew to approve the Audit of Bills as presented; seconded by Councilman Krycia; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

Departmental Reports:

Department reports for the month of September 2011 were presented by Jack Rigley, 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; Supervisor Nellis for Scott Henry, Zoning Code Enforcement Officer; Susan Brass, Recreation Director. All reports are on file in the Town Clerk's office.

Mike Felschow, Chief of Police requesting the appointment of Frederick Garrasi, III to the open part-time dispatcher position, resume attached.

MOTION was made by Councilwoman Pew to approve the appointment, upon the recommendation of Mike Felschow, Chief of Police, of Frederick Garrasi III to the open part-time dispatcher position; seconded by Councilman Ventry; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Ron Maggs, Chairman of the Off-Road Drainage Committee requested approval of Project #2011-05 to clean the ditches on 2089-2141 Eden Evans Center Road, not to exceed \$5,900.00, which is available in the budget.

MOTION was made by Councilwoman Pew to approve Project #2011-05 as above-mentioned, not to exceed \$5,900.00; seconded by Councilman Krycia; 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 Councilman Ventry; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

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

**8:00 p.m.
Public Hearing
Proposed Local Law #4-2011
2% Tax Levy Ceiling**

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

Supervisor Nellis stated that the 2% tax cap was passed by the New York State Legislation on the tax levy ceiling for the total 2011 budget. A power point presentation packet was also provided, which is on file in the Town Clerk's office.

William Trask, Town Attorney stated that the property tax levy cap included the special districts. Mr. Trask suggested adopting the local law as contingency if it is necessary to exceed the cap they could do so, only for this year.

Supervisor Nellis asked if there were any comments;

There were none.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the Public Hearing at 8:15 p.m.

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

New and Unfinished Business:

1. Submit Preliminary Budget – 2012. Set Public Hearing

Supervisor Nellis stated that the Preliminary Budget had been prepared and requested scheduling a Public Hearing for Wednesday, November 9, 2011 at 8:00 p.m. Supervisor Nellis provided the following information regarding the preliminary budget for 2012:

General	\$2.13
Highway	\$3.36
Light	\$.15
Fire	<u>\$1.16</u>
Total	\$6.80 = 30¢ increase or an increase of 4.6%
Garbage	\$155.00

On a property assessed at \$100,000, for these 4 items, there will be an increase of \$30. However, when you factor the \$34 savings on the garbage fee, there is actually a \$4 deduction on property assessed at \$100,000.

Water rates continue to be varied due to the multiple districts/projects we have in town. We are maintaining the same “Maintenance” Rate for our districts for 2012 - 40¢ per thousand. Capital or construction rates are increasing because of Water District No. 5 and the Shadagee Road project.

MOTION was made by Councilwoman Pew to set the public hearing for *November 9, 2011 at 8:00 p.m.*; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

2. Submit Preliminary Budget for Fire District – 2012. Set Public Hearing for October 18, 2011

MOTION was made by Councilwoman Pew to set the Public Hearing for the Preliminary Budget for Fire District for October 18, 2011 at 7:30 p.m.; seconded by Councilman Ventry; 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 Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis closed the Regular Meeting at 8:30 p.m. and opened the Public Hearing.

**8:30 p.m.
Public Hearing
Community Block Grant Proposals**

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

Supervisor Nellis recommended the following programs for consideration:

1. Ambulance Facility for the Town of North Collins
2. Rural Transit Van Service

Comments:

There were none.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the Public Hearing at 8:40 p.m.

MOTION was made by Councilman Ventry to close the Public Hearing and return to the Regular Meeting of the Town Board; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

3. Set Public Hearing on MS4 Annual Report – Storm Water Management

MOTION was made by Councilwoman Pew to set the Public Hearing for the MS4 Annual Report for the Storm Water Management for November 9, 2011 at 8:30 p.m.; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

4. Consideration of Community Block Grant Project

MOTION was made by Councilwoman Pew authorizing Supervisor Glenn R. Nellis to sign, submit and execute a contract with Erie County Community Development Block Grant Program (ECCDBG) for the following programs for the 2012-13 funding year upon approval by ECCDBG:

1. Ambulance Facility for the Town of North Collins
2. Rural Transit Van Service

Seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

5. Status report regarding ongoing water projects

Supervisor Nellis read an update of the various water projects that will be posted on the Town of Eden’s website and available at the Town Clerk’s office during normal business hours.

6. Bid Results – Refuse/Recycling

Supervisor Nellis read the following bid results:

**Town of Eden
 2011 Bid Results for:
 Refuse & Recycling Bid
 Bid Date: Friday, October 7, 2011**

Bidder	Amount	Bid Bond, Cert. Check
Modern Corporation	\$551,031.93	Bid Bond
Waste Management	\$477,662.70	Bid Bond
Allied Waste Management	\$474,133.92	Bid Bond

The bid documents were reviewed with William Trask, Town Attorney, it was determined to award the bid to the lowest bidder, Allied Waste Management in the amount of \$474,133.92. This is a 3-year contract.

MOTION was made by Supervisor Nellis to award the bid to Allied Waste Management in the amount of \$474,133.92 for a 3-year contract; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor’s Report:

- Meetings have been held regarding the Multi-Jurisdiction Hazard Mitigation Plan
- Improvement work is being done on Main Street during the month of October and November
- A new flower bed has been planted in front of the Town Hall

October 12, 2011

Hearing of Visitors:

Brian Vogt & Lori Invorvaia, 8765 Violet Parkway

Adjournment:

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

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board at 8:45 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