

November 9, 2011

**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
NOVEMBER 9, 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
Chris Brind'Amour	-	East Eden Fire Department
Robert Pietrocarlo	-	Chairman Board of Assessors
Scott Henry	-	Code Enforcement Officer
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 October 12, 2011; there were none.

**MOTION** was made by Councilman Ventry to approve the Town Board Minutes of October 12, 2011 as presented; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

**Petitions:**

There were none.

**Budget Transfers/Amendments:**

Supervisor Nellis read the following "Budget Transfer" from the Highway Department, from Account D5110.1 to D5110.4 for a Budget Adjustment in the amount of \$22,750.31.

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

Supervisor Nellis read the following “Budget Transfers”:

<b>From Account</b>	<b>To Account</b>	<b>Reason for Amendment</b>	<b>Amount</b>
A1620.4 Central Garage Contractual	A5010.4 Hwy Supt. Contractual	Over Budget	\$100.00
A1640 Ambulance Charges	A4540.4 Ambulance Contractual	Use of revenue moneys collected for add'l expenses (equipment update and repairs)	\$20,000.00
A2192 Charges for cemetery services	A8810.4 Cemetery Contractual	Apply pmt rec'd for burial to cost incurred	\$1,500.00

**MOTION** was made by Councilman Krycia to approve the “Budget Transfers” as presented; seconded by Councilwoman Pew; 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.

Supervisor Nellis added the following voucher:

Voucher #29 - Account #H3410.2 - Parise Mechanical, Inc. - \$9989.00

<b>DESCRIPTION</b>	<b>VOUCHER NUMBERS</b>	<b>AMOUNT</b>
General Fund	611-675	\$54,195.59
Highway Dept. Fund	308-337	\$69,841.87
Fire Dept. Fund	212-238	\$24,518.31
Recreation Dept. Fund	130-142	\$2,716.98
Refuse and Garbage Fund	--	--
Street Lights Fund	27-29	44,725.73
Water Fund	29-32	\$9,987.62
Trust & Agency Fund	--	--
Capital Fund		
H8320.401	31-32	\$29,767.82
H8320.402	25-26	\$88,794.00
Community Development	--	--

**MOTION** was made by Councilman Ventry 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 October 2011 were presented by 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; and Robert Pietrocarlo, Chairman Board of Assessors. All reports are on file in the Town Clerk’s office.

**New and Unfinished Business:**

**1. Approval of Local Law #4 on Tax Ceiling**

Supervisor Nellis read the following Proposed Local Law #4-2011:

**Proposed Local Law #4-2011  
Town of Eden**

**A local law to override the tax levy limit established in General Municipal Law §3-c**

**BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF EDEN AS FOLLOWS:**

**Section 1. Legislative intent**

It is the intent of this local law to allow the Town of Eden to adopt a budget for the fiscal year commencing 2012 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

**Section 2. Authority**

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

**Section 3. Tax Levy Limit Override**

The Town Board of the Town of Eden, County of Erie, is hereby authorized to adopt a budget for the fiscal year commencing 2012 that requires a real property tax levy in excess of that amount otherwise prescribed in General Municipal Law §3-c.

**Section 4. Severability**

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law of the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 5. Effective date**

This local law shall take effect immediately upon adoption by the Eden Town Board.

**MOTION** was made by Supervisor Nellis to approve Local Law #4-2011 as presented; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**2. Approval of bid results on sale of surplus recreation equipment**

Supervisor Nellis read the following bid results:

November 9, 2011

Town of Eden  
2011 Bid Results  
Surplus Equipment  
(1) 1997 John Deere 1200A Bunker Rake

Bid Date: Monday, October 31, 2011 at 12:00 noon

Bidder	Amount of Bid
Town of North Collins	\$502.00
Lake Shore Little League	\$1.00
Donald Winkelman	\$126.00

Upon the recommendation of the Recreation Department the following motion was offered:

**MOTION** was made by Councilman Ventry to award the bid to Town of North Collins in the amount of \$502.00; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**3. Update of Multi-Jurisdictional Hazard Plan (informational)**

Supervisor Nellis reported that this plan is required by the County to be eligible for funds from FEMA. Supervisor Nellis thanked members of the Town Board, Bob Stickney, Mike Felschow, Ron Maggs, Andy Breier and Maury Dole for their help in the preparation of the document.

**4. Status report on 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.

**MOTION** was made by Councilwoman Pew to close the Regular Meeting of the Eden Town Board and open the Public Hearing; seconded by Councilman Krycia; 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  
Preliminary Budget 2012**

The purpose of the Public Hearing is to review the Proposed Budget of the Town of Eden for the year 2012.

Supervisor Nellis made the following observations in the 2012 Budget:

2% State Ceiling on Tax Levy

- Tax levy is total of all revenues/expenditures (5% levy)  
Including special districts (water, fire)
- Tax Rate – what individual pays per thousand of assessment (1.2%)

Year of Achievement (2011)

- Shadagee Road Water Transmittal Line
- Replacement of water pipes on Route 62 in hamlet
- Water District #5
- East Eden Fire Hall
- Updates on Main Street – Federal project – Envision Eden Committee

Primary Considerations Affecting the 2012 Town Budget

1. Health Insurance for our employees is going up an average of 11% over 2011
2. Pension costs (NYS Retirement System) for our employees will average a 20% increase
3. Workers' Compensation rates are increasing an average of 15%
4. Our Liability Insurance will see an approximate 10% decrease over 2011
5. Communications upgrade plus new fire engine

	<u>2011 Tax Rates</u>	<u>2012 Tax Rates</u>
General	\$2.05	\$2.13
Highway	\$3.36	\$3.37
St. Light	\$ .15	\$ .15
Fire	<u>\$ .94</u>	<u>\$1.16</u>
Total	\$6.50	\$6.81 = \$.31 increase of an increase of 4.7%

**The Garbage Rate for 2012 is \$155.00 per unit, down from \$189.00 in 2011.**

On a property assessed at \$100,000, for these 4 items, there will be an increase of \$31. However, when you factor in the \$34 savings on the garbage fee, there is actually a \$3 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 #5 and the Shadagee Road project.

Whole budget is up 5% (levy) 1.2% (individual tax rate increase with water, 0% without water – slight savings.

Supervisor stated that copies of the Proposed 2012 Budget have been made available in the Town Clerk's office and at the meeting tonight.

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

The following residents made comments regarding the proposed budget:

There were no comments.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the public hearing at 8:20 p.m.

**MOTION** was made by Councilwoman Pew to close the Public Hearing and open the regular meeting of the Town Board; seconded by Councilman Ventry; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

**5. Presentation by staff of Housing Made Equal – Rayne Grossman**

Supervisor Nellis introduced Rayne Grossman from Housing Made Equal. Ms. Grossman read the Mission statement, as follows: "Housing Opportunities Made Equal is a civil rights organization working to promote the value of diversity and to ensure the people of Western New York an equal opportunity to live in the housing and communities of their choice through education, advocacy, enforcement of fair housing laws, and the creation of new housing opportunities." Ms. Grossman then spoke and left brochures regarding "Choosing Good Tenants" and "You Can Fight Discrimination" which are available outside the Town Clerk's office.

**6. Resolution for Justice Court Grant Application for Air Conditioning and Digital Copier System**

Supervisor Nellis read the following resolution:

**RESOLUTION AUTHORIZING APPLICATION FOR FUNDS  
FROM THE 2011 JUSTICE COURT ASSISTANCE PROGRAM**

**RESOLVED** the Eden Town Board hereby authorizes Town Justice Michael Cooper to file an application for air conditioning for the courtroom and a Lanier LD528 Digital Copier System with Scan/Print/Fax features from the New York State Office of Court Administration 2011 Justice court Assistance Program.

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

**7. Approval of bid for ski transportation – Eden Central School District**

Supervisor Nellis read correspondence from Susan Brass, Recreation Director regarding the recommendation of the Recreation Board to award the bid for ski transportation to the Eden Central School District for \$988.00 per trip.

**MOTION** was made by Councilwoman Pew to award the bid for ski transportation to the Eden Central School District for \$988.00 per trip; seconded by Councilman Ventry; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

**8. Approval of Adult Winter Program Supervisors**

Supervisor Nellis read the following Recreation Appointments as recommended by the Recreation Board:

Don Williams of Eden as Adult Volleyball Supervisor, Tuesday nights. November through April at a pay rate of \$8.50/hour.

Kathryn Gorcica of Eden as Adult Swimming Supervisor on Monday & Wednesday nights. November through April at a pay rate of \$10.00/hour.

Lee Kerwin as Adult Swimming Assistant Supervisor on Monday & Wednesday nights. November through April at a pay rate of \$8.50/hour.

**MOTION** was made by Councilman Krycia to approve the appointments as presented; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

**9. Resolution for snowplowing agreement with the Town of North Collins**

Supervisor Nellis read the following resolution:

**BE IT RESOLVED** that the Eden Town Board hereby agrees to enter into a mutual agreement with the Town of North Collins, whereby the Town of North Collins Highway Department will plow Clarksburg Road from the North Collins Town Line to the Eighteen Mile Creek Bridge. In exchange, the Eden Highway Department will plow the lower sections of both Belcher and Rocky Mountain Roads.

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

**MOTION** was made by Councilwoman Pew 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**  
**MS-4**  
**Stormwater Management Annual Report**

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

Supervisor Nellis stated that this is an annual report that is being submitted for the reporting period ending March 9, 2011, completed by Ron Maggs, the Stormwater Management Supervisor and Dave Johnson, Town Engineer.

The following citizens spoke:

There were none.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the Public Hearing at 8:35 p.m.

**MOTION** was made by Councilwoman Pew to close the Public Hearing; seconded by Councilman Ventry; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

**10. Recommendation of the Speed Limit Review Committee**

Ron Maggs, Chairman of the Speed Limit Review Committee presented the following recommendations from the committee:

- a. Recommend to the Town Board to add "No Parking" on the north side of Schoolview Drive starting at US RT 62 to NIMO Pole #8, for a total of 1075' (+ or -)

Officer McCarthy had requested the "No Parking" from the Elementary School past the bus garage. If approved, the Town Board would go through the Local Law procedure. The Town Attorney would draft the proposed Local Law.

**MOTION** was made by Councilman Ventry to request that William Trask, Town Attorney draft a proposed Local Law to add "No Parking" on the north side of Schoolview Drive starting at US RT 62 to NIMO Pole #8, for a total of 1075' (+ or -); seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

- b. Recommend to the Town Board to proceed with the 2008 Roadway and Speed Limit Plan – Priority 1: Hickman Road, North Boston Road, Sisson Highway (from Rt. 62 to Hardt Road) and to exclude Eckhardt Road.

Ron Maggs and the committee are recommending that the roads listed above be considered for a speed reduction from 55 mph to 45 mph.

**MOTION** was made by Councilman Ventry to proceed with the recommendations of the committee to send to New York State Department of Transportation a reduction in speed limit for Hickman Road, North Boston Road, Sisson Highway (from Rt. 62 to Hardt Road) and to exclude Eckhardt Road; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

**11. Approval of Town Budget for 2012**

**MOTION** was made by Supervisor Nellis to approve the Town of Eden Budget for 2012, which includes the Fire Budget; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**12. Approval of Annual Report – MS-4**

**MOTION** was made by Councilman Ventry to approve the Stormwater Management Annual Report (MS4) as presented; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Supervisor’s Report:**

- No meeting on November 23, 2011, unless necessary
- Conservation Board is looking for new members
- Eden Evans Center Road is now open

**Hearing of Visitors:**

Mike Bolo

**Adjournment:**

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

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board at 9:00 P.M.

Respectfully submitted by,

Mary Jo Hultquist  
Town Clerk