

January 11, 2012

**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
JANUARY 11, 2012  
7:30 P.M.**

**TOWN BOARD MEMBERS PRESENT:**

GLENN R. NELLIS	-	SUPERVISOR
MARY LOU PEW	-	COUNCILWOMAN
EDWARD KRYCIA, JR	-	COUNCILMAN
RICHARD S. VENTRY	-	COUNCILMAN ( <i>Absent</i> )
FRAN MCLAUGHLIN	-	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
Andrew Breier	-	East Eden Fire Chief
Scott Henry	-	Code Enforcement Officer
Susan Brass	-	Recreation Director

**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.

Supervisor Nellis introduced Village of Hamburg Mayor, Thomas Moses, who presented the Town of Eden with a proclamation in congratulations to the Town of Eden on their Bicentennial celebration. The Town of Hamburg is also celebrating their Bicentennial this year.

**Approval of Minutes:**

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of December 14, 2011; there were none.

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

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

**MOTION** was made by Councilman Krycia to approve the Town Board Minutes of December 28, 2011 as presented; seconded by Councilman McLaughlin; “Ayes”? Nellis, Krycia, McLaughlin; Opposed? - None; Abstain? - Pew; Motion carried.

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes, the Re-organizational Meeting of January 3, 2012; there were none.

**MOTION** was made by Councilwoman Pew to approve the Town Board Minutes, the Re-organizational Meeting of January 3, 2012 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 Transfers/Amendments:

<b>From Account</b>	<b>To Account</b>	<b>Reason for Amendment</b>	<b>Amount</b>
A878.9 General Maintenance Reserve	A1640.4 Central Garage	To correct voided budget amendment from Dec. 28 <sup>th</sup> salt barn project to come from reserve per Permissive Referendum	\$4,600.00
SW8320.401 Wepax Water – Maint.	SW8320.402 Wepax Water – Farnham	Incorrect Posting	\$250.00
A1410.1 Town Clerk Personal	A1410.4 Town Clerk – Contractual	Over-budget on Contractual – Ads to Penny Saver	\$110.00
A2089 Bicentennial Donations	A7550.401 Celebrations Bicentennial	Apply donations rec’d toward costs of bicentennial	\$1,346.76
D9030.8 Social Security	D9040.8 Workers Comp	Increase in rates by NYS & Lovell	\$305.00

**MOTION** was made by Councilwoman Pew to approve the Budget Transfers/Amendments as presented; seconded by Councilman McLaughlin; 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.

<b>DESCRIPTION</b>	<b>VOUCHER NUMBERS</b>	<b>AMOUNT</b>
General Fund	1-20	\$24,803.07
Highway Dept. Fund	1-3	\$791.98
Fire Dept. Fund	1	\$4,217.95
Recreation Dept. Fund	--	--
Refuse and Garbage Fund	--	--
Street Lights Fund	--	--
Water Fund	--	--
Trust & Agency Fund	--	--
Capital Fund H8320.401	1	\$500.00
Community Development	--	--

**2011 Payables**

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	813-827	\$12,910.54
Highway Dept. Fund	388.1-397	\$11,439.64
Fire Dept. Fund	275-282	\$383.87
Recreation Dept. Fund	157-160	\$1,610.29
Refuse and Garbage Fund	--	--
Street Lights Fund	34	\$4,541.24
Water Fund	37	\$5,068.87
Trust & Agency Fund	--	--
Capital Fund	--	--
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 December 2011 were presented by Jack Rigley, Eden Fire Chief; Andrew Breier, East Eden Fire Chief; Michael Felschow, Eden Police Chief; Supervisor Nellis for 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; Sharon Brockman for Robert Pietrocarlo, Chairman Board of Assessors. All reports are on file in the Town Clerk’s office.

Jack Rigley, Eden Fire Chief requested approval of the following officers for 2012:

- |  |                            |
|--|----------------------------|
| Jack Rigley – Chief                          | Ronald Salzman – President |
| Glenn Scott – 1 <sup>st</sup> Asst. Chief    | John Agle – Vice President |
| David Cole – 2 <sup>nd</sup> Asst. Chief     | Jack Gavin – Secretary     |
| Matt Colvin – Captain                        | Tom Schreiner – Treasurer  |
| Matt Vankounett – 1 <sup>st</sup> Lieutenant | Rich Greeley – BOD         |
| Joe Hart– 2 <sup>nd</sup> Lieutenant         | Robert Stickney - BOD      |
| Ronald Salzman – Safety Officer              | Paul Laing - BOD           |
| William Henry – Safety Officer               | William Laing - BOD        |
|  | Vicki Sickau - BOD         |
|  | William Henry - BOD        |

**MOTION** was made by Councilwoman Pew to approve the officers of 2012 for the Eden Fire Department as presented; seconded by Councilman Krycia; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

Jack Rigley, Eden Fire Chief requested permission to take fire equipment out of the fire district for mutual aid, repairs, training, funerals and parades at the discretion of the Chief or Officer in charge.

**MOTION** was made by Councilwoman Pew to grant permission to take fire equipment out of the fire district for mutual aid, repairs, training, funerals and parades at the discretion of the Chief or Officer in charge; seconded by Councilman McLaughlin; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried

Jack Rigley, Eden Fire Chief requesting removing William Rice from the active roster. Bill went inactive as of 1/1/2012. He has served the Town of Eden since August 1950. A letter of thanks will be forwarded to Mr. Rice.

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**MOTION** was made by Supervisor Nellis to remove William Rice from the active roster of the Eden Fire Department after serving since 1950; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Jack Rigley, Eden Fire Chief requested permission to put out to bid the replacement of Eden Engine #2 at earliest dates possible. This is keeping with the replacement schedule of all Eden Fire Equipment as Eden #2 is now 25 years old.

After much discussion it was decided to place this item on Hold for more review and place on the agenda for the meeting on January 25, 2012.

Andrew Breier, East Eden Fire Chief requested permission to take fire equipment out of the fire district for mutual aid, repairs, training, funerals and parades at the discretion of the Chief or Officer in charge.

**MOTION** was made by Councilwoman Pew to grant permission to take fire equipment out of the fire district for mutual aid, repairs, training, funerals and parades at the discretion of the Chief or Officer in charge; seconded by Councilman McLaughlin; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried

Andrew Breier, East Eden Fire Chief requested adding Jeff Abell to the active roster of the East Eden Fire Department.

**MOTION** was made by Councilwoman Pew to add Jeff Abell to the active roster of the East Eden Fire Department; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Ron Maggs, Highway Superintendent requested the Town Board approve the “Agreement to Spend” with general repairs in the amount of \$405,600.00 for 48.98 miles of Town Highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewal thereof.

The improvements of the following town highways; on any all town roads, a distance of 48.98. miles not over the sum of \$405,600.00.

**MOTION** was made by Councilman McLaughlin to approve the “Amendment to Spend” as presented with a copy to be filed in the Town Clerk’s office; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**MOTION** was made by Councilman McLaughlin to close the Regular Meeting of the Eden Town Board and open the Public Hearing for Proposed Local Law No. 1-2012, no parking on the North side of Schoolview Drive; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**8:00**

**Public Hearing**

**Proposed Local Law No. 1-2012**

**No parking on the North side of Schoolview Drive**

Be it enacted by the Town Board of the Town of Eden, Erie County, New York as follows:

**SECTION I.** Article II, Section 204-5, being the “Prohibited Parking” provisions of Chapter 204 of the Town of Eden Code, is hereby amended to create a new subsection “D” which shall read as follows:

- D. On the north side of Schoolview Drive from its intersection with U.S. Route 62 (also known as North Main Street) and going easterly along the north side of Schoolview Drive a distance of 1,075 feet, more or less, to National Grid utility pole number 8.

SECTION II. Upon this local law taking effect, town officials are authorized to provide for installation of appropriate signage required for enforcing violations of the above-referenced provision under applicable provisions of the Vehicle and Traffic Law.

SECTION III. This local law shall take effect upon filing in the office of the Secretary of State.

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 8:01 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 Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**New and Unfinished Business:**

**1. Certificate of Achievement for Excellence in Financial Reporting from GFOA for year ending 12/31/10**

Councilwoman Pew stated, for the record, that this is a great honor for Supervisor Nellis, as Chief Fiscal Financial Officer and also the staff, namely, Lisa Winter, Lisa Greiner and Ann Knack.

**2. Report on status of water projects by CRA Infrastructure and Engineering, Inc.**

Stephen Waldvogel, CRA reported that the progress of Water District No. 5 is contingent on the Shadagee Road pump station. A face-to-face meeting has been scheduled with the numerous contractors and Erie County Water Authority to lay out a start-up schedule for the homeowners of Shadagee Road. The residents on Hemlock Road are connected and have water.

Mr. Waldvogel is optimistic that all the punch-list items will be completed and approval of the pump station will bring approval to move forward with installation of service lines to March and Ferrier Roads and then Shadagee Road and he anticipates that connections may begin sometime in February.

Mr. Waldvogel and other representatives from CRA were available for questions from residents present and agreed to stay after the meeting for the same.

Victor Casillo, 8403 Southwestern Blvd., a student in attendance, asked what the pump station was on Shadagee Road and Mr. Waldvogel explained.

**3. Proclamation on “Brothers of the Brush”**

Supervisor Nellis read the following proclamation:

***TOWN OF EDEN  
BICENTENNIAL PROCLAMATION***

**Whereas,** *The year 2012 has been dedicated to celebrating the 200<sup>th</sup> year of the incorporation of the Town of Eden, New York; and*

**Whereas,** *The Town of Eden, New York has set various dates of January 1<sup>st</sup> thru December 2<sup>nd</sup> of this year to celebrate this important milestone with parades, praise and pageantry; and*

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**Whereas,** *The male citizens of this Town are desirous of entering into the spirit of this historic event by wearing hair on their face where heretofore it has not appeared to remind us of the custom of our male citizens in early days.*

**BE IT HEREBY RESOLVED:** *That, the Town Board of the Town of Eden hereby proclaims that these public spirited citizens shall become members of the great fraternity known henceforth as the*

**“Brothers of the Brush”**

*Members in good standing will agree to raise facial adornment in the form of mustaches, side burns, goatees, full beards, or any combination thereof from this date forward until (to be determined), 2012. Members in good standing shall participate in such activities as*

*directed to publicize Town of Eden Bicentennial Celebration: by joining chapters of the “Brothers”, by participating in booster caravans and by wearing derbies, top hats and/or similar old fashioned apparel before and during the actual celebration days.*

*This proclamation issued in the Bicentennial spirit of good fun, and in recognition of the importance of visual support by all male citizenry of our coming glorious Bicentennial Celebration.*

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

**4. Renewal of Police Contract**

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

**5. Approval of Family Swim Life Guards**

Susan Brass, Recreation Director and the Recreation Board is recommending the following staff appointments:

Kathryn Gorcica, Program Supervisor at a pay rate of \$10.00/hour  
Lee Kerwin, Life Guard at a pay rate of \$8.00/hour  
Elizabeth Blaschak, Life Guard at a pay rate of \$8.00/hour  
Melissa Cataldo, Life Guard at a pay rate of \$8.00/hour  
Jenna Phillips, Life Guard at a pay rate of \$8.00/hour  
James Miller, Life Guard at a pay rate of \$8.00/hour  
Michael Sarratori, Life Guard at a pay rate of \$8.00/hour

**MOTION** was made by Councilwoman Pew to approve the Family Swim Life Guards as presented; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**6. Resolution regarding condition of structure at 2408 New Jerusalem Road**

William Trask, Town Attorney referenced a memorandum dated January 9, 2012 to the Supervisor and Town Board regarding the condition of structure of the Matonti property at 2408 New Jerusalem Road from Scott Henry, Code Enforcement Officer.

Mr. Trask stated that pursuant to §90-8, consider the report by the CEO and by resolution, determine if in your opinion the report so warrants that said structure or building is unsafe or dangerous and order its demolition and removal or repair, if the same can be safely repaired, and further order that a notice be served upon the persons and in the manner provided in the code.

Mr. Trask is recommending that the Town Board authorize him to issue a notice and order to the owner of the property to make the necessary repairs within a period of time and if necessary the Town Board will hold a public hearing, tentatively set for February 8, 2012 at 8:00 p.m., if necessary.

**MOTION** was made by Supervisor Nellis to authorize William Trask, Town Attorney to issue a notice and order to the owner of the property at 2408 New Jerusalem Road to make the necessary repairs within a period of time and if necessary schedule a public hearing for February 8, 2012 at 8:00 p.m.; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**7. Resolution regarding Highway Department purchase**

Supervisor Nellis read the following resolution:

RESOLUTION AUTHORIZING SUPERVISOR GLENN R. NELLIS TO EXPEND FUNDS FROM THE HIGHWAY CAPITAL (EQUIPMENT) RESERVE FUND OF THE TOWN OF EDEN, SUBJECT TO PERMISSIVE REFERENDUM.

The Town Board of the Town of Eden, duly convened in regular session, does hereby resolve pursuant to the provisions of Section 6-c of the General Municipal Law of the State of New York that the Town Supervisor of the Town of Eden be and is hereby authorized and directed to expend funds from the Highway Capital (Equipment) Reserve Fund of the Town of Eden a sum not to exceed \$32,000.00 to purchase one used 1993 John Deere 644G Wheel Loader and one used 1977 SNOGO Snowblower from the Town of Orchard Park.

This resolution shall be subject to a permissive referendum, as permitted by law.

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

**8. Resolution to enter into STOP-DWI Contract with County of Erie**

Supervisor Nellis read the following resolution:

**TOWN OF EDEN  
TO ENTER INTO A CONTRACT WITH  
ERIE COUNTY STOP-DWI PROGRAM**

**WHEREAS**, Erie County has established a special traffic options program for Driving while intoxicated; the STOP-DWI PROGRAM; and

**WHEREAS**, this program, in coordination with the County, Towns, Cities and Villages, is an effort to reduce alcohol-related traffic injuries and fatalities; and

**WHEREAS**, the Town of Eden has applied or will apply to the Erie County STOP-DWI Coordinator for the funding of certain alcohol traffic safety law enforcement activities for the period January 2, 2011 to December 31, 2013

**NOW, THEREFORE, BE IT RESOLVED:** that the Town of Eden enter into the mutually agreed upon contract between the County of Erie and the Town of Eden for the STOP-DWI PROGRAM and that Supervisor Glenn R. Nellis be authorized to sign this contract covering the January 1, 2011 through December 31, 2013.

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

**9. Year-End Report – Senior Citizen Transportation**

Supervisor Nellis read the 2011 Senior Citizen Transportation Report then listed and thanked the following drivers for 2011:

David Sully	Frank Miller	Walter Henry
Marcia Sully	Ann Schaefer	Ed Strum

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Linda Meyer	Marty Doherty	Tom Zelasko
Neil Colvin	Butch Brockman	Ken Kreuger
Fran Campagna	Donald Dole	John Grotke

**10. Approval of \$2,400 fee for Topographical Survey for recreational land off Evelyn Drive**

Supervisor Nellis read correspondence from Michael J. Ennis, Manager of Survey from Nussbaumer & Clarke, Inc. regarding a Topographic Survey for Evelyn Drive at a cost of \$2,400.00. Upon completion, five (5) prints will be supplied to the Supervisor.

**MOTION** was made by Councilwoman Pew to authorize Supervisor Nellis to sign the agreement for a Topographic Survey for Evelyn Drive at a cost of \$2,400.00; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**11. Construction of driveway – new Minekime recreation site**

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

**12. Inter-municipal Cooperation Agreement**

Supervisor Nellis requested approval and authorization to sign the Inter-municipal Cooperation Agreement between the Town of Eden and Eden Central School District to have the Town undertake responsibility for collecting school taxes for the District for the 2012-2013 through the 2014-2015 school year. A copy of the agreement is on file in the Town Clerk’s office for review.

**MOTION** was made by Councilman Krycia to approve and authorize the Supervisor to sign the Inter-municipal Cooperation Agreement between the Town of Eden and Eden Central School District to have the Town undertake responsibility for collecting school taxes for the District for the 2012-2013 through the 2014-2015 school year subject to review by William Trask, Town Attorney; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**13. Approval of Proposed Local Law #2-2012**

**MOTION** was made by Councilman Krycia to approve proposed Local Law #1-2012, no Parking on the north side of Schoolview Drive; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Hearing of Visitors:**

There were none.

**Adjournment:**

**MOTION** was made by Councilman Krycia to adjourn the Regular Meeting of the Eden Town Board; seconded by Councilman McLaughlin; 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 10:30 P.M.

Respectfully submitted by,

Mary Jo Hultquist, Town Clerk



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