

March 28, 2012

MINUTES

**TOWN BOARD MEETING
2795 EAST CHURCH STREET
EDEN, NEW YORK
MARCH 28, 2012
7:30 P.M.**

TOWN BOARD MEMBERS PRESENT:

GLENN R. NELLIS	-	SUPERVISOR
MARY LOU PEW	-	COUNCILWOMAN (absent)
EDWARD KRYCIA, JR.	-	COUNCILMAN
RICHARD S. VENTRY	-	COUNCILMAN
FRAN MCLAUGHLIN	-	COUNCILMAN

OTHERS PRESENT:

Heather Ohmit	-	Deputy Town Clerk
Diane Herzog	-	Administrative Assistant
Mark Cavacolli	-	CRA

Call To Order:

Supervisor Nellis called the Work Session 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.

New and Unfinished Business:

1. Discussion and approval of fire truck warranty and related costs

MOTION was made by Supervisor Nellis to include an Extended Warranty period of Three (3) years with the purchase of the new pumper truck; seconded by Councilman Ventry; All "Ayes"; Opposed?- None; Abstain?- None; Motion carried.

2. Discussion of job description for Eden Fire Department Administrative Assistant (Clerk)

MOTION was made by Supervisor Nellis to set the rate of pay and hours for the Eden Fire Department Administrative Assistant (Clerk) at \$12.50 per hour for up to 8 hours per week, effective immediately; seconded by Councilman Krycia; All "Ayes"; Opposed?- None; Abstain?- None; Motion carried.

Supervisor Nellis noted that this position was discussed with both the Town Attorney and Civil Service Department.

MOTION was made by Supervisor Nellis to approve the Proposed Job Description for the Town of Eden Fire Department Administrative Assistant (Clerk); seconded by Councilman McLaughlin; All "Ayes"; Opposed?- None; Abstain?- None; Motion carried.

3. Discussion and approval of individual as part-time fire department Administrative Assistant (Clerk)

MOTION was made by Supervisor Nellis to appoint Bill Laing to the position of Fire Department Administrative Assistant (Clerk), effective immediately; seconded by Councilman Ventry; All "Ayes"; Opposed?- None; Abstain?- None; Motion carried.

4. Approval of additional inspection funding for Water District No. 5

This item was tabled.

5. Discussion and approval of employee health insurance renewal with Independent Health iDirect Series Option 2

MOTION was made by Councilman Ventry to approve employee health insurance with Independent Health iDirect Series Option 2; seconded by Councilman McLaughlin; All “Ayes”; Opposed?- None; Abstain?- None; Motion carried

6. Proposed Consent Agreement for Easement on East Pleasant Avenue

Supervisor Nellis read the following Resolution:

Resolution of the Eden Town Board

March 28, 2012

WHEREAS the Town of Eden is the holder of a drainage easement covering premises commonly known as Sub Lot No. 16 on a map recorded in the Erie county Clerk’s Office under Map Cover No. 3413, which Easement is recorded in the office of the Erie County Clerk in Liber 11153 of Deeds at Page 4780, and

WHEREAS the Town has received a request from ARR Holdings, LLC to install a residential driveway within the easement area to allow for a side-entry garage as shown on the map attached to this Resolution and,

WHEREAS this request has been reviewed by certain town officials including, but not limited to the Highway Superintendent, who is responsible for undertaking any required work within the easement area, and the Code Enforcement Officer.

NOW, THEREFORE, it is resolved by the Town Board of the Town of Eden as follows:

1. The Town of Eden does hereby grant its consent, in the form of a revocable license, for the residential driveway to be constructed within the said easement area as shown on the attached map, subject to the following conditions:
 1. The Town of Eden Highway Superintendent shall be given at least 48 hours prior notice before any work within the easement area is commenced, whether in the initial construction or subsequent reconstruction of the said driveway.
 2. This consent and license is limited to the installation of the proposed blacktop drive as shown on the attached map and no other improvements including, but not limited to, trees, underground facilities of any kind, fences or other structures or obstructions shall be placed within the easement area.
 3. A certified copy of this Resolution shall be filed, at the sole expense of ARR Holding, LLC, in the office of the Erie County Clerk prior to the driveway being installed and this Resolution shall be referenced in any deed conveying title to the subject premises so that the current and all future owners of the premises are aware of the nature of this consent and the conditions herein.
 4. The current and all future owners, their heirs, successors and assigns shall have no claim for damages of any kind resulting from the exercise by the Town of its easement rights. As a condition for allowing the location of said driveway within the easement area, the current and all future owners of the subject premises, their heirs, successors and assigns agree to hold the Town of Eden harmless and indemnify the Town of Eden from and against all lost, damage, claim or expenses resulting from or arising out of the location of the said driveway within the said easement area, including any additional costs incurred by the Town resulting from the location of the driveway within the easement area and specifically agree that the Town shall have no obligation to replace or restore any portion of the said driveway that may be damaged or removed during town operations within the easement area.

MOTION was made by Supervisor Nellis to accept the Resolution as read; seconded by Councilman Krycia; All “Ayes”; Opposed?- None; Abstain?- None; Motion carried.

7. Air-conditioning for Courtroom

The low bid was received from McAllister Plumbing and Heating. The Town Board discussed the inclusion of “prevailing wage” terminology included in paperwork by another bidder.

MOTION was made by Supervisor Nellis to approve the low bid from McAllister Plumbing and Heating, with the caveat to clarify the prevailing wage issue; seconded by Councilman McLaughlin; All “Ayes”; Opposed?- None; Abstain?- None; Motion carried.

Supervisor’s Report: Supervisor Nellis noted that Erie County will be out to work on the area of flooding on East Church Street, adjacent to the library parking lot.

Councilman Krycia stated that the Conservation Board is sponsoring a Bicentennial tree planting at the Eden Library on Saturday, April 28th, 2012.

Hearing of Visitors:

Ferris Randall
Paul Sovereign

Adjournment:

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

Supervisor Nellis adjourned the Work Session Meeting of the Eden Town Board at 8:15 P.M.

Executive Session:

Supervisor Nellis adjourned the Executive Session of the Eden Town Board Meeting at 10:45 P.M.

Respectfully submitted by,

Heather Ohmit
Deputy Town Clerk