

August 8, 2012

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
AUGUST 8, 2012
7:30 P.M.**

TOWN BOARD MEMBERS PRESENT:

| | | |
|-------------------|---|--------------------------------|
| GLENN R. NELLIS | - | SUPERVISOR |
| MARY LOU PEW | - | COUNCILWOMAN (<i>Absent</i>) |
| EDWARD KRYCIA, JR | - | COUNCILMAN |
| RICHARD S. VENTRY | - | COUNCILMAN |
| FRAN MCLAUGHLIN | - | COUNCILMAN |

DEPARTMENT HEADS PRESENT:

| | | |
|---------------------|---|-----------------------------|
| Michael J. Felschow | - | Chief of Police |
| Jack Rigley | - | Eden Fire Chief |
| Andrew Breier | - | 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 |
| Cynthia Ciesielski | - | Deputy Town Clerk |
| Lisa Greiner | - | Administrative Assistant |

Call to Order:

Supervisor Nellis called the Regular Meeting of the Eden Town Board to order at 7:30 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 July 11, 2012; there were none.

MOTION was made by Councilman Ventry to approve the Town Board Minutes of July 11, 2012 as presented; seconded by Councilman McLaughlin; 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 |
|----------------------------|--|--|-------------|
| A2192 Cemetery Services | A8810.1 Cemeteries - Personal | Income for Burial to offset Cost of Overseeing North Evans Cemetery | \$362.50 |
| A2192 Cemetery Services | A8810.4 Cemeteries - Contractual | Income for Burial North Evans offset Grave Opening Cost | \$400.00 |
| A1990.4 Contingent Fund | A5010.4 Highway Supt - Contractual | Highway Time Clock Broke | \$300.00 |
| A2089 BiCentennial | A7550.401 Celebrations - BiCentennial | BiCentennial Income to offset BiCentennial Expenses | \$5,000.00 |
| SF878 Fire Reserve | SF3410.2 Fire Equipment | Purchase of Radios/Pagers Per Permissive Referendum | \$39,730.60 |

MOTION was made by Councilman Krycia 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 | 472-539 | \$55,221.81 |
| Highway Dept. Fund | 214-241 | \$59,637.10 |
| Fire Dept. Fund | 150-170 | \$51,549.29 |
| Recreation Dept. Fund | 88-107 | \$8,414.59 |
| Refuse and Garbage Fund | 12 | \$36,585.36 |
| Street Lights Fund | 18-20 | \$4,076.61 |
| Water Fund | 20-23 | \$6,389.69 |
| Trust & Agency Fund | -- | -- |
| Capital Fund | | |
| H3410.2 | 10-11 | \$18,122.49 |
| H8320.401 | 15 | \$1,126.87 |
| H8302.402 | 6-7 | \$350,618.12 |
| Community Development | -- | -- |

MOTION was made by Councilman McLaughlin 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 August 2012 were presented by Jack Rigley, Eden Fire Chief; Andrew Breier, East Eden Fire Chief; Michael Felschow, Eden Police Chief; Ray Zabron, Dog Control Officer; William Trask, Town Attorney; Mary Jo Hultquist, Town Clerk; Scott Henry, Zoning Code Enforcement Officer; Susan

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

Jack Rigley, Eden Fire Chief requested to add the names of Adam Laing, Christopher Pieri and Charles Mohr to the active roster pending background check and passing of physical.

MOTION was made by Councilman Ventry to add the names of Adam Laing, Christopher Pieri and Charles Mohr to the active roster pending background check and passing of physical; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Mike Felschow, Chief of Police publicly thanked Lieutenant John McCarthy, Officer Ian Hodkin and Dispatcher Julie Boedo for their assistance on an recent EMS call.

MOTION was made by Supervisor Nellis that deep appreciation goes out to Lieutenant McCarthy, Officer Hodkin and Dispatcher Julie Boedo for their assistance on a recent EMS call; seconded by Councilman McLaughlin; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Susan Brass, Recreation Director reported that Michaella Glendenning and Maun Best were interviewed by the Buffalo and Erie County Youth Force Group as the Eden Recreation Program is one the most successful programs in Erie County.

New and Unfinished Business:

1. Minekime Phase 2 Drainage District

Supervisor Nellis read the following resolution:

RESOLUTION OF THE EDEN TOWN BOARD

WHEREAS, the application of Richard Minekime (hereafter "developer") for approval of Evergreen Acres Subdivision - Part 2 has been in process for several years, and

WHEREAS, such development previously received Final Plat approval from the Eden Planning Board, and

WHEREAS, the developer applied for and was issued one or more Public Improvement permits for drainage and utility improvements under Chapter 158 of the Town of Eden Code, and

WHEREAS, the developer installed such public improvements for Evergreen Acres Subdivision - Part 2 and sought Town Board acceptance of these public improvements so that the Planning Board Chair could sign-off on the final plat for this development, and

WHEREAS, the Town Board has received a report from the Highway Superintendent indicating his inspection and approval of such public improvements and has also received a report from Town Engineers, Conestoga-Rovers and Associates (CRA) indicating satisfactory completion of drainage improvements, and

WHEREAS, developer has posted required financial security for maintenance in the amount of \$5,700.00 as required by Chapter 158 of the Town of Eden Code, and

NOW, THEREFORE, IT IS RESOLVED, that the Eden Town Board does hereby ratify its July 25, 2012 acceptance of the public improvements for Evergreen Acres Subdivision - Part 2, with the understanding that the developer's attorney is working with the Town Attorney to complete of the execution and recording of the drainage and utility easement areas to be conveyed to the Town of Eden, and it is further

RESOLVED, that the Planning Board Chair was duly authorized to sign the Plat for Evergreen Acres Subdivision - Part 2, effective July 25, 2012.

August 8, 2012

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

Supervisor Nellis read the following resolution:

**RESOLUTION OF THE EDEN TOWN BOARD
Declaring Lead Agency Status for Proceedings Requesting Creation of Drainage
District No. 5**

WHEREAS, the Eden Town Board has received a Petition of Richard Minekime (hereafter “developer”) requesting the creation and establishment of Town of Eden Drainage District No. 5 for Evergreen Acres Subdivision – Part 2, and

WHEREAS, the proposed action is an unlisted action and a completed short form EAF has been received from the developer’s agent, David H. Johnson of Nussbaumer & Clarke, P.C.,

NOW, THEREFORE, IT IS RESOLVED, that the Eden Town Board does hereby declare itself Lead Agency under SEQR, and it is further

RESOLVED, that the proposed project requires referral to the County of Erie Department of Environment and Planning (Erie County DEP) pursuant to General Municipal Law Section 239-m because of the project’s proximity to lands owned by Erie County Sewer District No. 2 and the Supervisor’s office is hereby authorized to forward the required zoning referral form (ZR-1) to Mark Lee of Erie County DEP for review and comment as required by law.

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

Supervisor Nellis read the following resolution:

**IN THE MATTER OF APPLICATION OF
RICHARD E. MINEKIME
ORDER CALLING
PUBLIC HEARING
for
THE ESTABLISHMENT OF THE TOWN OF
EDEN DRAINAGE DISTRICT NO. 5**

(Evergreen Acres Subdivision, Part 2)

WHEREAS, The Town Board of the Town of Eden (herein called “Town Board” and “Town” respectively), in the County of Erie, New York, has received a petition pursuant to Section 191 of the Town Law, for the establishment of the Town of Eden Drainage District No. 5 (Evergreen Acres Subdivision, Part 2), which petition was signed by all of the owner(s) of taxable real property situate in the proposed drainage district owning all of the taxable real property of the of the proposed drainage district, as shown upon the latest completed assessment roll of said Town and was accompanied by a Map, Plan and Report prepared by NUSSBAUMER & CLARKE, P.E., a competent engineer duly licensed by the State of New York, of the Town of Eden Drainage District No. 5, the drainage district to be constructed and paid for by or on behalf of petitioner, Richard E. Minekime, to provide drainage facilities to benefit a single-family residential development within the proposed district, consisting of the construction of drainage piping, swales, a catch basin and related facilities in accordance with the description contained in the Map, Plan and Report, which map and plan have been duly filed in the Office of the Town Clerk of the Town for public inspection; and

WHEREAS, said petition described the boundaries of the proposed Town of Eden Drainage District No. 5 in a manner sufficient to identify the lands included therein as in a

August 8, 2012

deed of conveyance and was signed by the petitioner and acknowledged or proved in the same manner as a deed to be recorded; and

WHEREAS, the proposed Town of Eden Drainage District No. 5 is bounded as described in Exhibit A, attached hereto and made a part hereof; and

WHEREAS, the Town Board has commenced required proceedings under applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith, is declaring itself Lead Agency for this project; and

WHEREAS, in connection therewith, a duly executed Short Environmental Assessment Form has been received and will be filed in the office of the Town Clerk; and

WHEREAS, said Town of Eden Drainage District No. 5 herein above described is to be constructed and paid for by or on behalf of the petitioner, Richard E. Minekime, and the proposed Town of Eden Drainage District No. 5 is responsible for the operation and maintenance of the drainage facilities located therein including billing property owners within such District for the costs of future improvements and maintenance thereof at an estimated maximum cost annually of \$100.00 per lot.

NOW, THEREFORE, be it ORDERED, that a meeting of the Town Board of the Town be held at the Eden Town Hall, 2795 East Church Street, Eden, New York on the 12th day of September, 2012 at 8:00 p.m. (prevailing time), to consider the establishment and creation of the new Town of Eden Drainage District No. 5, as herein referred to, and to hear all persons interested in the subject thereof, concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law, and be it

FURTHER ORDERED, that the Town Clerk publish at least once in the SUN, a newspaper published in the Town of Eden, New York, which newspaper is hereby designated as the official newspaper of the Town for this publication, and post on the sign Board of the Town maintained pursuant to Subdivision 6 of Section 30 of the Town Law, a copy of this Order, the first publication and said posting to be not less than ten (10) nor more than twenty (20) days before the day designated herein for said public hearing as aforesaid.

MOTION was made by Councilman McLaughlin to approve resolution as presented and set the public hearing for September 12, 2012 at 8:00pm; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

2. Discussion on Eden Fire Company Pumper

Jack Rigley, Eden Fire Chief requests permission to change the Eden Fire Truck configuration (2-pumpers 2-tankers 1-rescue) to 3-pumpers, 1-tanker and 1-rescue.

MOTION was made by Councilman Ventry for permission to change the Eden Fire Truck configuration to 3-pumpers, 1-tanker and 1-rescue; seconded by Councilman McLaughlin; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Jack Rigley, Eden Fire Chief request that the Eden #5 1969 Chevy c-60 be declared surplus and sold in public auction after the new Eden Fire Engine is put in service, with proceeds to go back to Town fire budget.

MOTION was made by Councilman McLaughlin to declare that the Eden #5 1969 Chevy c-60 be declared surplus and sold in public auction after the new Eden Fire Engine is put in service and proceeds to go back to Town fire budget; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

3. Resolution – Bicentennial Steam Engine Event

Supervisor Nellis read the following resolution:

RESOLUTION OF THE EDEN TOWN BOARD

Agreeing to Hold Buffalo Southern Railroad Harmless for Certain Expense Related to Heritage Days Activities

RESOLVED, inconsideration for Buffalo Southern Railroad agreeing to participate in Heritage Days activities, September 22-23, 2012, by providing rides to the public in connection with the Town of Eden Bicentennial Celebration, the Eden Town Board does hereby agree to hold Buffalo Southern Railroad harmless from and against any loss or expense related to payment of the \$5,000.00 deductible on Buffalo Southern's liability insurance coverage in the event of a successful claim arising solely from Buffalo Southern's participation in such Heritage Days activities.

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

4. Approval of Painting Service for Fire Hall

Jack Rigley, Eden Fire Chief request monies to be approved for Eric's Painting Service to finish painting upper portion of fire hall after panels are removed and pointing repaired. Total cost of \$835.00.

MOTION was made by Councilman McLaughlin to approve total cost of \$835.00 to Eric's Painting Service to finishing painting upper portion of fire hall, after repairs are finished; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried

5. Set Public Hearing date for MS4 Report

MOTION was made by Supervisor Nellis to set the Public Hearing for the MS4 Annual Report for the Storm Water Management for September 12, 2012 at 8:15 p.m.; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

6. Police Department – Resignation and Appointment

MOTON was made by Councilman McLaughlin to accept the resignation of Officer Ian Hopkin as of August 15th 2012; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

MOTION was made by Councilman McLaughlin to appoint Richard J. Syracuse, Jr. as a part time police officer; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

7. Town Hall – Electrical issues

MOTION was made by Supervisor Nellis to approve Ross Strawbrich, Buffalo Motor and Generator Corp. to proceed with electrical repairs to the Town Hall for a total of \$7,563.90; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor's Report:

- Zoning Board has opening for a new member.
- Erie County Assoc. of Governments annual meeting on August 23, 2012 at the Eden American Legion. RSVP to Supervisors Office.
- Received a letter of thanks from Coast Guard.
- Equalization Rate for the Town of Eden is at 67%

Hearing of Visitors:

There were none.

August 8, 2012

Adjournment:

MOTION was made by Councilman McLaughlin 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 8:35 P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk