

November 14, 2012

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
NOVEMBER 14, 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
FRAN MCLAUGHLIN	-	COUNCILMAN

DEPARTMENT HEADS PRESENT:

Ronald C. Maggs	-	Superintendent of Highways
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
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 10, 2012; there were none.

MOTION was made by Councilman Ventry to approve the Town Board Minutes of October 10, 2012 as presented; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of October 16, 2012; there were none.

MOTION was made by Councilman Krycia to approve the Town Board Minutes of October 16, 2012 as presented; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? - None; Motion carried.

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of October 24, 2012; there were none.

MOTION was made by Councilman Ventry to approve the Town Board Minutes of October 24, 2012 as presented; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? - None; Motion carried.

Petitions:

There were none.

Budget Transfers/Amendments:

From Account	To Account	Reason for Amendment	Amount
SF911 Fire Fund Balance	SF3410.4 Fire Contractual	Repair of Eden Fire Hall	\$9,200.00
SF874 Fire Equipment Reserve	SF3410.2 Fire Contractual	Final Payment for New Eden Pumper Per Permissive Referendum	\$105,537.71
A2089 BiCentennial	A7550.401 Celebrations - BiCentennial	BiCentennial Income to offset BiCentennial Expenses	\$7,500.00
A2089 Insurance	A3120.4 Police Contractual	Insurance Proceeds for Police Car Deer Accident and ATV Theft	\$17,901.02
SW9710.600 Bond Principal	SW9950.9 Transfer Out to Capital	Principal Payment on Shad/Rt 62 BAN (BAN Money held in Captial Fund until project closed)	\$66,000.00
SW9710.651 Water Dist #5A Bond Prin	SW9950.9 Transfer Out to Capital	Principal Payment on WD#5 (BAN Money held in Captial Fund until project closed)	\$59,278.17
SW9710.652 Water Dist #5B Bond Prin	SW9950.9 Transfer Out to Capital	Principal Payment on WD#5 (BAN Money held in Captial Fund until project closed)	\$5,721.83
SW9710.751 WD#5A Bond Int	SW9730.7 BAN Interest	ReClassify to Appropriate Account per Auditors	\$33,467.54
SW9710.752 WD#5B Bond Int	SW9730.7 BAN Interest	ReClassify to Appropriate Account per Auditors	\$3,230.46
SW 9710.7 Bond Interest	SW9730.7 BAN Interest	ReClassify to Appropriate Account per Auditors	\$11,562.94
SW911 Fund Balance	SW 9710.7 Bond - Debt Int	For Entry to Shadagee Road/Rt 62 Water Bond Per Auditors	\$57,312.67
D5110.1 Maint Roads - Personal	D5110.401 Maint of Roads - FEMA	Fema Expenses	\$1,789.95
SF2665 Fire - Sale of Equipment	SF878 Fire Equipment Reserve	Add Sale of Fire Truck Back to Equip Reserve	\$3,750.00

A1990.4 Contingent Fund	A1220.4 Supervisor - Contractual	Overbudget	\$300.00
A1990.4 Contingent Fund	D5010.400 Hwy Superintendent - Contractual	Overbudget	\$100.00
A6989.4 Other Economic Assistance	A7410.4 Library - Contractual	Difference Needed to Match Grant	\$1,050.00

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	713-806	\$121,405.88
Highway Dept. Fund	321-348	\$32,008.95
Fire Dept. Fund	222-255	\$131,259.21
Recreation Dept. Fund	129-142	\$3,375.33
Refuse and Garbage Fund	16-17	\$37,613.71
Street Lights Fund	28-30	\$4,797.96
Water Fund	31-35	\$9,006.31
Trust & Agency Fund	--	--
Capital Fund H3410.2	14	756.28
Community Development	--	--

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

Departmental Reports:

Department reports for the month of October 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; 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; Robert Pietrocarlo, Chairman Board of Assessors. All reports are on file in the Town Clerk’s office.

Jack Rigley, Eden Fire Chief requested \$683.25 to reimburse Eden Fire Co., Inc. for additional money needed to finish the painting of the upper block of the fire hall. \$835.00 was previously approved but the actual cost was \$1518.25. Eden Fire Co., Inc., paid the difference to settle the bill.

MOTION was made by Councilwoman Pew to approve the \$683.25 to reimburse Eden Fire Co., Inc. for additional costs to finish the painting project; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Jack Rigley, Eden Fire Chief requested a permissive referendum to spend \$5,000 to purchase new base station radios and siren activation system for Eden and East Eden fire halls.

MOTION was made by Supervisor Nellis to transfer up to \$5000.00 from Reserve Account SF878, subject to Permissive Referendum; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Jack Rigley, Eden Fire Chief stated that the surplus 1969 Chevy Tanker was sold to Eden resident John Bauer for \$ 3,750.00. The truck was sold on public auction.

New and Unfinished Business:

1. Approval of Agreement between Erie County Water Authority and Town of Eden on standby power for Eden 1 Pump Station.

Supervisor Nellis read the following resolution:

**AGREEMENT BETWEEN
ERIE COUNTY WATER AUTHORITY AND
THE TOWN OF EDEN**

AGREEMENT made this 14th day of November 2012, by and between the Town of Eden, New York, hereinafter referred to as the “Town”, and the Erie County Water Authority, a public benefit corporation, having its offices and principal place of business at 295 Main Street, Room 350, Buffalo, New York 14203, hereinafter referred to as the “Authority”.

WHEREAS, the Authority has initiated plans to undertake the installation of standby power in the Town of Eden; and

WHEREAS, the Town intends to install standby power at the Eden 1 Pump Station; and

WHEREAS, the Town and the Authority desire to enter into a cooperative Agreement to coordinate and facilitate the installation of standby power at the Eden 1 Pump Station in order to achieve cost containment and efficiency;

NOW, THEREFORE, the parties agree as follows:

1. PUBLIC BIDDING

In accordance with the terms of General Municipal Law §103 and Public Authorities Law §1069, the authority will bid the cost of construction and provide inspection in accordance with the project plans and specifications developed by the Authority.

2. PROJECT COST

Subsequent to the bidding process in which the Authority will determine the lowest responsible bid, the Authority will refer to the Town for its review and approval the cost pertaining to the Eden 1 Pump Station portion of the project defined in the bid specifications.

3. APPROVAL OF COST

The Town will review the cost of the Eden related portion of the lowest responsible bid and determine in its sole judgment whether such cost is acceptable prior to the Authority awarding the project in accordance with the plans and specifications. The Town will provide written approval of the cost within fourteen days after notification by the Authority.

4. REIMBURSEMENT

Upon completion of the construction project and pending its final approval of the contract for related work, the Authority will submit to the Town an accounting setting forth reimbursement of the actual installed cost of related items listed under the Eden portion of the plans and specifications. The Town will reimburse the Authority for the cost of the Eden portion of the project as set forth in the project plans and

specifications. Payment will be made within 60 days from receipt of the invoice and approval.

5. AMENDMENTS AND MODIFICATIONS

No modification, amendment or changes in the Eden portion of the construction project involving the Town will be valid unless the Town is advised in writing and approves the same.

6. ENTIRE AGREEMENT

This Agreement contains the entire Agreement between the parties relating to its subject matter. All prior or contemporaneous contracts, understanding and statements are merged herein.

7. APPROVAL

This Agreement is subject to approval by the respective parties in accordance with the Authority granted to each party.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals as of the date written above.

MOTION was made by Councilwoman Pew to authorize Supervisor Nellis to sign the agreement as presented; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis read the following resolution:

RESOLUTION AUTHORIZING SUPERVISOR GLENN R. NELLIS TO EXPEND FUNDS FROM THE WTAER DISTRICT EMERGENCY REPAIR 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 from the Water District Emergency Repair Reserve Fund of the Town of Eden a sum not to exceed \$45,000 from said Reserve Fund to install a system of emergency backup power at the Eden 1 Pump Station.

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

Supervisor Nellis read the following resolution:

RESOLUTION AUTHORIZING SUPERVISOR GLENN R. NELLIS TO EXPEND FUNDS FROM THE WATER CAPITAL IMPROVEMENT 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 from the Water Capital Improvement Reserve Fund of the Town of Eden a sum not to Exceed \$40,000.00 from said Reserve Fund to install standby power at the Eden 1 Pump Station.

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

2. Approval of Fire Budget for 2013

Supervisor Nellis presented the following amendment to the Fire Budget for 2013 to increase the tax rate from \$1.16 to \$1.18, which would add \$6,975.00 to the contractual, making the total budget \$412,282.00.

MOTION was made by Supervisor Nellis to approve the amendment to the Fire Budget for 2013 as stated; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis requested approval of the Fire Budget for 2013.

MOTION was made by Supervisor Nellis to approve the Fire Budget for 2013; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

3. Approval of Town Budget for 2013

Supervisor Nellis presented the following amendment to the Town Budget for 2013 to decrease the tax rate from \$2.15 to \$2.13, which decrease the General Fund from \$712,000 to \$705,000.

MOTION was made by Supervisor Nellis to approve the amendments to the Town Budget for 2013 as stated; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis requested approval of the Town Budget for 2013.

MOTION was made by Councilman Krycia to approve the Town Budget for 2013; seconded by Councilman McLaughlin; “Ayes”; Nellis, Krycia, McLaughlin; Abstain? – Pew (due to her absence during the budget process); Opposed? – Ventry (due to the fact that more cuts could have been made, up to 4 cents instead of 2 cents and his objection to the town donating to not-for-profits, which could be made by individual citizens to a not-for-profit of their choice); Motion carried.

4. Schedule a Public Hearing for renewal of Special Use Permits for 12/12/12 at 8:00 p.m.; Cazenovia Recovery Systems, Inc.; Crown Castle/Donald Mammoser ; Eden KinderCare/St. John’s Church; Norman and Jean Brenner; SBA Towers, II; Pamela Henrich; Schreiber & Winkelman, Inc./ Richard Minekime; James Gorecki; Renee Adams; Upstate Cellular Network, d/b/a/ Verizon Wireless; Rainer and Pamela Sticht; Robert Hornberger.

MOTION was made by Supervisor Nellis to schedule a Public Hearing for December 12, 2012 at 8:00 p.m. for the above-mentioned Special Use Permit renewals; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

5. Resolution for snowplowing agreement with Town of North Collins

Ron Maggs, Highway Superintendent read the following resolution:

**RESOLUTION FOR SNOWPLOWING AGREEMENT
WITH THE TOWN OF NORTH COLLINS**

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 Town of 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 Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

November 14, 2012

Hearing of Visitors:

Mike Bolo

Adjournment:

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

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board at 8:25 P.M.

Executive Session:

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

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk