

July 10, 2013

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
JULY 10, 2013
7:30 P.M.**

TOWN BOARD MEMBERS PRESENT:

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

DEPARTMENT HEADS PRESENT:

Ronald C. Maggs - Superintendent of Highways
John McCarthy - Lieutenant
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 7:30 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 June 12, 2013; there were none.

MOTION was made by Councilman Krycia to approve the Town Board Minutes of June 12, 2013 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
A1990.4 Contingent Fund	A3310.4 Traffic Control – Contractual	Emergency repair of fallen traffic signal at Jennings and East Church Street	\$3,960.00

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.

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	377-426	\$34,695.60
Highway Dept. Fund	179-207	\$34,539.16
Fire Dept. Fund	132-150	\$5,715.23
Recreation Dept. Fund	77-96	\$7,921.52
Refuse and Garbage Fund	10	\$37,410.00
Street Lights Fund	14-17	\$5,000.14
Water Fund	26-32	\$10,742.16
Trust & Agency Fund	--	--
Capital Fund		
H3410.2	4	\$3,654.88
H8320.402	6-7	\$4,490.70
H8302.403	8-10	\$2,437.00
Community Development	--	--

MOTION was made by Councilwoman Pew 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 June 2013 were presented by Jack Rigley, Eden Fire Chief; Andrew Breier, East Eden Fire Chief; John McCarthy for Michael Felschow, Eden Police Chief; Ronald Maggs, Superintendent of Highways; 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.

New and Unfinished Business:

1. Review and possible approval of Town Policy on Violence in the Workplace

This item was “tabled” and moved to Old Business to be reviewed and discussed at a future Town Board Meeting.

2. Setting up Public Hearing for new Local Law on Commercial Cat Kennels

MOTION was made by Supervisor Nellis to set a Public Hearing for August 14, 2013 at 8:00 p.m. for Proposed Local Law #2-2013 – A local law amending Chapter 225 of the Code of the Town of Eden to update regulations on animal kennels in the Town of Eden; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

3. Proclamation on 50th Anniversary of Eden Corn Festival

Supervisor Nellis read the following resolution:

**PROCLAMATION
50TH ANNIVERSARY
EDEN CORN FESTIVAL**

July 10, 2013

WHEREAS, August 2013 serves as the 50th Anniversary of the beginning of the Eden Corn Festival, one of the premier summer activities in all of Western New York; and

WHEREAS, the success of the Festival over the many years has relied heavily upon the many individual volunteers and volunteer organizations in our town that has allowed our community to sustain the Festival; and

WHEREAS, in recent year, annually over 120,000 people from Eden, Western New York, and beyond have made this event probably the most significant rural event in New York State; and

WHEREAS, while the Festival celebration highlights the corn grown in our community, the event does serve to celebrate agriculture in general, and all produce grown here which has allowed the history of farming in Eden to establish a rich tradition of rural life for over 200 years; and

WHEREAS, the annual event could not have sustained itself without the leadership of the Eden Corn Festival Committee as well as the many individual volunteers and volunteer organizations that have an on-going commitment to the Festival. We say to them “a job well done!”

FINALLY, we wish to thank all those individuals and families that have attended and continue to attend the Eden Corn Festival. “We thank you all and hope to see you again in August 2014”.

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

4. Resolution on Snowplowing contract with Erie County

This item was “tabled” and moved to Old Business to be reviewed and discussed at a future Town Board Meeting.

5. Recreation employees adjustments to appointments

Susan Brass, Recreation Director recommended the following staff appointments due to the rejection of employment by personnel already approved retroactive to June 24, 2013:

Leah Braymiller, replacing Kathryn Gorcica, Head Instructor at \$8.75/hour.
Jenna Phillips, replacing Leah Braymiller, Instructor at \$7.75/hour
Anna Winter, replacing Jenna Phillips, Life Guard at \$7.35/hour.
Alison Winiecki, replacing Anna Winter, C.I.T. at \$7.25/hour.

MOTION was made by Councilman Krycia to approve requested appointments retroactive to June 24, 2013; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

6. Resolution approving Home Rule Request regarding ECIDA

This item was “tabled” and moved to Old Business to be reviewed and discussed at a future Town Board Meeting.

7. Bid proposals for Blacktop sealing of East Eden Fire Hall/Swartz/Municipal Parking lot

Supervisor Nellis stated that Ron Maggs, Highway Superintendent received the following bids for blacktop sealing for the East Eden Fire Hall, Swartz Field and the Municipal Parking Lot (behind the Four Corners Café):

Bidder	East Eden Fire Hall	Swartz Field	Municipal Parking Lot
Palmieri Paving	\$ 875.00	\$ 800.00	\$800.00
Ballou Paving	\$ 900.00	\$1000.00	\$1000.00

MOTION was made by Supervisor Nellis to award the bid to Palmieri Paving & Sealing L.L.C., the low bidder; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

8. Resolution Designating Town Clerk to receive Notice of Claim

Supervisor Nellis read the following resolution:

**RESOLUTION DESIGNATING TOWN CLERK AS PERSON
TO WHOM THE SECRETARY OF STATE SHOULD FORWARD ANY
NOTICE OF CLAIM FOR THE TOWN OF EDEN**

WHEREAS, General Municipal Law §53 was amended permitting notice of claims against public corporations to be served on the New York Secretary of State as of July 15, 2013; and

WHEREAS, if served, the Department of State will forward the notice of claim to the person designated by the public corporation to receive the notice of claim; and

WHEREAS, public corporations are required to file a Certificate of Designation of Notice of Claim with the New York State Department of State, designating the New York Secretary of State as their agent for service of notices of claim.

IT IS THEREFORE RESOLVED, that the Town of Eden designates Town Clerk, Mary Jo Hultquist, as the person to whom the Secretary of State should forward any notice of claim for the Town of Eden with regard to the amendment of General Municipal Law §53, permitting notices of claim against public corporations to be served on the New York Secretary of State; and

IT IS FURTHER RESOLVED, that Town Supervisor, Glenn Nellis, is authorized to file such designation with the Secretary of State.

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

NOTE: William Trask, Town Attorney added that this is a personal appointment and when the person in the position of Town Clerk is changed, by resignation or election, a new appointment would be required.

9. Resolution Keeping the Cornell Local Roads Program

Supervisor Nellis read the following resolution:

**RESOLUTION
KEEPING THE CORNELL LOCAL ROADS PROGRAM**

WHEREAS, since 1951 the Cornell Local Roads Program has been providing technical assistance and training for local highway officials through Cooperative Extension; and

WHEREAS, effective September 30, 2014 the College of Agriculture and Life Sciences at Cornell has decided to terminate the Local Technical Assistance Program which is the outreach program of the Cornell Local Roads Program; and

WHEREAS, this decision by Cornell is apparently based on the program being judged as no longer being a priority for the College of Agriculture and Life Sciences; and

July 10, 2013

WHEREAS, yet, this program is acknowledged within the College to be valuable, meeting a need and doing a good job; and

WHEREAS, all local highway officials are aware of the value of the program in providing technical assistance and meeting ongoing needs for training.

NOW THEREFORE BE IT RESOLVED that the Eden Highway Department and Eden Town Board strongly urge reversal of this decision by the College of Agriculture and Life Sciences; and

BE IT FURTHER RESOLVED, that we ask other local highway official colleagues to join us in seeking this reversal in a timely way since the New York State Department of Transportation solicits every five years proposals to maintain the Local Technical Assistance Program which current agreement expires on September 30, 2014.

FINALLY, let it be known that this Local Roads Program provides the Cornell University, our land grant University, and specifically the College of Agriculture and Life Sciences, the opportunity to directly impact local governments in New York State by applying their expertise to local road issues.

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

10. Off-Road Drainage Project

Ron Maggs, as Chairperson of the Off-Road Drainage committee is recommending that the town board approve the following projects:

Project 2013-03: Miscellaneous Town-wide Mowing – Mowing of various ditches at a cost not to exceed \$2,000.00

MOTION was made by Councilwoman Pew to approve Project 2013-03 as presented; seconded by Councilman McLaughlin; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor's Report:

- Schoolview Drive water project began this week.
- Eden Bowling Center filed a liquor license renewal with Town Clerk.
- Tom Wik will be retiring from ECWA as of July 5, 2013, assuming the duties will be Russ Stoll.

Hearing of Visitors:

There were none.

Adjournment:

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

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board at 8:20 P.M.

Executive Session:

Supervisor Nellis adjourned the Executive Session of the Eden Town Board Meeting at 9:30 P.M.

Respectfully submitted by,

Mary Jo Hultquist, Town Clerk

July 10, 2013