

**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
SEPTEMBER 11, 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  
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  
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 7:30 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 August 14, 2013; there were none.

**MOTION** was made by Councilwoman Pew to approve the Town Board Minutes of August 14, 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
A2680 Insurance Recoveries	A3510.4 Dog Control – Contractual	Apply Insurance Money received towards cost of	

		repair to Dog Control Officer Truck Windshield	\$195.15
A2025 Beach Pool & Ski Fees	A7150.1 Special Recreation – Personnel	Anticipated revenue to be received from Eden Dolphins for coaching payroll	\$31,000.00

**MOTION** was made by Councilman Ventry to approve the Budget Transfers/Amendments as presented; seconded by Councilwoman Pew; 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	513-571	\$43,755.48
Highway Dept. Fund	231-251	\$67,268.02
Fire Dept. Fund	177-204	\$20,912.19
Recreation Dept. Fund	120-129	\$2,357.47
Refuse and Garbage Fund	12-13	\$49,325.00
Street Lights Fund	21-23	\$4,558.45
Water Fund	39-42	\$6,164.97
Trust & Agency Fund	--	--
Capital Fund		
H3410.2	5	\$2,500.00
H8320.402	--	--
H8302.403	13-15	\$100,007.20
Community Development	--	--

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

**Departmental Reports:**

Department reports for the month of August 2013 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; William Trask, Town Attorney; Mary Jo Hultquist, Town Clerk; Supervisor Nellis for 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 requesting adding David Basinski of 3186 Cherry Lane to the active roster of the Eden Fire Department pending a physical and background checks.

**MOTION** was made by Councilwoman Pew to add the name of David Basinski pending physical and background checks; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Ron Maggs, Highway Superintendent requested the following transfers:

Date	From	To	Description	Amount
9/11/13	D878.2	D5130.2	Purchase 2012 Loader	\$38,000.
9/11/13	D5142.4	D5140.4	Budget Adjustment	\$200.00

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

**New and Unfinished Business:**

**1. Policy of Workplace Violence**

Councilwoman Pew read the following policy statement:

**TOWN OF EDEN MUNICIPALITY  
WORKPALCE VIOLENCE PREVENTION POLICY STATEMENT**

The Town of Eden Municipality is committed to the safety and security of our employees. Workplace violence presents a serious occupational safety hazard to our agency, staff and clients. Threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals by anyone on Town of Eden Municipality property will be thoroughly investigated and appropriate action will be taken, including summoning criminal justice authorities when warranted. All employees are responsible for helping to create an environment of mutual respect for each other as well as clients, following all policies, procedures and program requirements, and for assisting in maintaining a safe and secure work environment.

This policy is designed to meet the requirements of NYS Labor Law 27b and highlights some of the elements that are found within our Workplace Violence Prevention Program. The process involved in complying with this law included a workplace evaluation that was designed to identify the workplace violence hazards our employees could be exposed to. Other tools that were utilized during this process included establishing a committee made up of management and Authorized Employee Representatives who will have an ongoing role of participation in the evaluation process, recommending methods to reduce or eliminate the hazards identified during the process and investigating workplace violence incidents or allegations. All employees will participate in the annual Workplace Violence Prevention Training Program.

The goal of this policy is to promote the safety and well being of all people in our workplace. All incidents of violence or threatening behavior will be responded to immediately upon notification. The town of Eden Municipality has identified response personnel that include a member of management and an employee representative. If appropriate, the Town of Eden Municipality will provide counseling services or referrals for employees.

All Town of Eden Municipality personnel are responsible for notifying the contract person designated of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received.

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

**2. Conservation Easement**

William Trask, Town Attorney, read the following resolution:

**State Environment Quality Review (SEQR)  
Resolution Establishing Lead Agency  
Unlisted Action Undergoing Uncoordinated Review**

Name of Action: Proposed Adoption of Local Law #3-2013

**WHEREAS**, the Town of Eden Town Board is considering the adoption of Proposed Local Law #3-2013, which will amend chapter 95 of the Town of Eden Code

“Conservation Easements” to provide for reduced assessment valuations for real property subject to a conservation easement agreement, and

**WHEREAS**, the Environmental Assessment Form (EAF) dated September 11, 2013 has been submitted by Supervisor Nellis for the Town Board’s consideration, and

**WHEREAS**, after comparing the thresholds in 6 NYCRR 617.4 and 5, the Town Board has determined that the proposed project is an Unlisted Action, and

**WHEREAS**, after examining the EAF, the Town Board has determined there are no other involved agencies on this matter.

**NOW, THEREFORE BE IT RESOLVED** that the Town Board declares itself Lead Agency for review of this action.

**BE IT FURTHER RESOLVED** that a Determination of Significance will be made at such a time as all reasonably necessary information has been received by the Town Board to enable it to determine whether the action will or will not have a significant effect on the environment.

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

William Trask, Town Attorney requested a Public Hearing be set for Proposed Local Law #3-2013 on October 9, 2013 at 8:00 p.m.

**MOTION** was made by Councilman Ventry to set a Public Hearing for October 9, 2013 at 8:00 p.m. for the purpose of Proposed Local Law #3-2013; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**3. Resolution to Vara’s Dry Cleaning and Mr. & Mrs. Bartoszek**

Supervisor Nellis read the following resolution:

**RESOLUTION OF THANKS  
TO  
VARA’S DRY CLEANING AND BILL AND RITA BARTOSZEK**

**WHEREAS**, Bill and Rita Bartoszek brought to Vara’s Dry Cleaning’s attention the need to clean the flags in the Eden Town Hall; and

**WHEREAS**, Vara’s Dry Cleaning has a policy of cleaning such public placed flags free of charge; and

**WHEREAS**, the results are that our flags were cleaned and look so much brighter.

**NOW, THEREFORE BE IT RESOLVED** that the Eden Town Board expresses to Vara’s Dry Cleaning our thanks for this free flag cleaning service; and

**BE IT FURTHER RESOLVED** that the Eden Town Board expresses special thanks to Bill and Rita Bartoszek for bringing this service to our attention and taking the initiative to have the flags cleaned.

**4. Plow Contract**

Supervisor Nellis referenced the following correspondence:

To: John C. Loffredo, P.E., Commissioner of Public Works, County of Erie  
From: Frederick J. Piasecki, Jr., President, Town Highway Supt. Assoc. of Erie County

“Dear Mr. Loffredo: First of all, the Town Highway Superintendents Association of Erie County, Inc. along with the Supervisors Committee representing the Towns, has presented to you our offer of a contract for a three-year term with a 5% per lane mile, per year increase for (2014-2016) snow Plowing, with each Town. Also, as you should recall at the first negotiation meeting Robert Keating (Director of Budget and Management – Erie County) indicated that the 5% increase was a fair and reasonable rate, and also indicated that the monies for the Snow Plowing were in the County Budget. This is the realistic offer you should be dealing with, as this percentage reflects our costs increases and not the one percent increase you sent out to the Towns.

Secondly, the issue of Public Safety is at the forefront with all the Highway Superintendents and Supervisors of the Towns. We know that Erie County does not have the resources to plow these roads. Since the current contract has expired (08-31-13) and there is no contract, we the Towns cannot legally put a plow down on roads that we do not even own. These roads belong to Erie County and it is the County Executive’s responsibility to plow them.

Mark Polocarz, our County Executive, and also you, Mr. Loffredo, are playing a dangerous and risky game with the lives and safety of all the people across Erie County.”

Discussion ensued and it was determined by Ron Maggs, Highway Superintendent that it could be a problem but there is time and they will wait for a reply from the County.

#### **5. Schedule of Budget Hearings**

Supervisor Nellis stated that budget sessions have been scheduled with Department Heads.

#### **6. Eden Evans Center Road**

Supervisor Nellis referenced the following correspondence:

To: John J. Mills, Erie County Legislator, 11<sup>th</sup> District  
From: John Loffredo, P.E., Commissioner of Public Works

“Dear Legislator Mills: I recently received a Certified Resolution, dated June 12, 2013, from the Eden Town Board concerning the condition of Eden-Evans Center Road.

As the County’s Commissioner of Public Works, the condition of our County’s roads and bridges is a deep concern of mine. As you know, Erie County has approximately 2,400 lane miles of roads (1,200 center lane miles), which is more than the states of Delaware, Rhode Island and Hawaii. For 2013, County Executive Mark Poloncarz has authorized the Division of Highways to conduct over \$34 million in road and bridge projects for approximately 60 projects in 17 municipalities across Erie County, a number of which are in the 11<sup>th</sup> Legislative District.

According to the new 2013 Greater Buffalo Niagara Regional Transportation Council’s (“GBNRTC”) biennial survey, Eden-Evans Center Road from Versailles to Schriener Road is rated in “Poor” condition (rated 5 on a scale of 1-10, with 10 being “Excellent”). This section of road is approximately 3 center line miles in length. Unfortunately, there are a total of 143.9 center line miles of roads in Erie County that are rated as “Poor” or worse condition. I estimate it will cost approximately \$107 million to repair all of these “Poor” or worse rated roads.

In 2005, there were 219.5 center line miles of roads rated in “Poor” condition. Since that time, a total of \$143 million in State, Federal and County funds has been spent on repairing Erie County roads and bridges. To date, this has resulted in a 75.6 center line mile reduction in the total amount of roads rated “Poor” or less.

As you know from prior testimony in legislative committee and caucus, we prioritize roads based on their condition as rated by GBNRTC and traffic count. The

Department of Public Works continues to work to address our aging infrastructure, but the needs are great and funding is limited.

Since this is my third tenure as Commissioner of Public Works serving my third County Executive, I know that previous legislators and administrations have worked together and tried to solve the highway funding problem. Unfortunately, there is still some work to do. The County Legislature's actions in the 2013 Budget are a further complicating factor necessitating fiscal restraint on my department.

In conclusion, should unanticipated funds become available in 2013; we will certainly consider Eden-Evans Center Road for rehabilitation, as we will for other roads throughout the County. The Department of Public Works is committed to improving as many miles of roads and bridges as possible despite financial constraints. Further, our Division of Highways staff will continue to monitor Eden-Evans Center Road, and make urgent and necessary repairs as they develop."

**7. Four Corners Café Liquor License Renewal**

Supervisor Nellis has received and filed the Liquor License Renewal for the Four Corners Café.

**8. Set Public Hearing – Community Development Block Grant Program**

**MOTION** was made by Supervisor Nellis to set a Public Hearing for October 9, 2013 at 8:30 p.m.; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

**9. Set Public Hearing – Fire Budget**

**MOTION** was made by Councilwoman Pew to set the Public Hearing for October 15, 2013 at 6:00 p.m.; seconded by Councilman Ventry; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

**10. Resolution – Court**

Supervisor Nellis read the following resolution:

**RESOLUTION AUTHORIZING APPLICATION FOR FUNDS FROM THE  
2013-2014 JUSTICE COURT ASSISTANCE PROGRAM**

**RESOLVED** the Eden Town Board hereby authorizes Town Justice Michael Cooper to file an application for a Walk-Through Metal Detector, which costs approximately \$4,513.00 from the New York State Office of Court Administration for the 2013-2014 Justice Court Assistance Program (JCAP) Grant.

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

**11. Standard Work and Reporting Resolution**

Supervisor Nellis stated that a Standard Work Day and Reporting Resolution, RS 2417-A would be submitted to the Office of the New York State Comptroller, New York State and Local Retirement System establishing the standard work days for elected and appointed officials based on the time keeping system records or the record of activities maintained and submitted by these officials to the clerk.

**MOTION** was made by Supervisor Nellis to submit this report to the New York State and Local Retirement System; seconded by Councilman McLaughlin; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

**12. Review/Approval Trident Insurance**

Supervisor Nellis requested Trident Insurance be ratified as the Town of Eden Insurance Company at a total cost of \$ 88,700.00, which is a 3% increase over last year. Supervisor Nellis stated that he would continue to drive that figure down.

**MOTION** was made by Councilman Krycia to ratify Trident Insurance as the Insurance Company for the Town of Eden at a cost of \$88,700.00; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Supervisor’s Report:**

Supervisor Nellis reported that the Safety Committee had received a Certificate of Achievement for the policy year 7/11 – 7/12. Also, the Eden Emergency Squad has received a Certificate of Achievement for having no reportable Worker’s Compensation Claims for the 7/1/11 –7/1/12 policy year.

**Hearing of Visitors:**

Betty Huber – sumac obstructing view on Shadagee to March Road.

**Adjournment:**

**MOTION** was made by Councilman McLaughlin 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 8:40 P.M.

Respectfully submitted by,

Mary Jo Hultquist  
Town Clerk