

June 11, 2014

**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
JUNE 11, 2014  
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 (Absent)

**DEPARTMENT HEADS PRESENT:**

Mark Cavacoli	-	Town Engineer
Ronald C. Maggs	-	Superintendent of Highways
Michael J. Felschow	-	Chief of Police
Matthew Colvin	-	Eden Fire Chief
Robert Pietrocarlo	-	Chairman Board of Assessors
Susan Brass	-	Recreation Director
Ray Zabron	-	Dog Control Officer

**OTHERS PRESENT:**

William Trask	-	Town Attorney
Heather Ohmit	-	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 May 14, 2014; there were none.

**MOTION** was made by Councilman Ventry to approve the Town Board Minutes of May 14, 2014 as presented; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Petitions:**

There were none.

Budget Transfers/Amendments:

Budget Transfers/Amendments  
June 11,2014

From Account	To Account	Reason for Amendment	Amount
SW8320.4 Water - Contractual	SW9710.6 Water - Bond Principal	WD#4 Portion of Consolidated Debt Principal	\$1,186.35
SW8320.4 Water - Contractual	SW9710.7 Water - Bond Interest	WD#4 Portion of Consolidated Debt Interest	\$1,459.57
SW9710.6 Water - Bond Principal	SW.9950.9 Xfer to Capital	Consolidated Water BAN Principal originally budgeted at Bond Principal	\$20,000.00
SW9710.651 Water Dist #5A Bond Principal	SW.9950.9 Xfer to Capital	Water Dist 5A BAN Principal originally budgeted at Bond Principal	\$50,600.00
SW9710.651 Water Dist #5B Bond Principal	SW.9950.9 Xfer to Capital	Water Dist 5B BAN Principal originally budgeted at Bond Principal	\$4,400.00
SW9710.7 Water - Bond Interest	SW9730.7 Water - BAN Interest	Water BAN Interest budgeted as Bond Interest	\$11,791.51
SW9710.751 Water Dist #5A Bond Interest	SW9730.7 Water - BAN Interest	Water BAN Interest budgeted as Bond Interest	\$11,541.46
SW971.752 Water Dist #5B Bond Interest	SW9730.7 Water - BAN Interest	Water BAN Interest budgeted as Bond Interest	\$1,003.60
SW2140 Wepax Road Revenue	SW8320.401 Maintenance - Wepax Road	Establish Budget Lines for Wepax Water	\$2,000.00
SW2140 Wepax Road Revenue	SW8320.402 Water Contractual Farnham	Establish Budget Lines for Wepax Water	\$1,400.00
SW8320.4 Water Contractual	SW 915.2 Assigned Water Projects	Assign Tax Money raised for Grant & Painting of Water Tower	\$130,000.00
SW917 Water Fund Balance	SW 915.2 Assigned Water Projects	Assign Portion of Fund Balance for Grant & Painting of Water Tower	\$70,000.00
A1990.4 Contingent Fund	A3989.4 Other Public Safety	Emergency Reponse Forms	\$480.00
A1990.4 Contingent Fund	A7410.4 Library Contractual	Emergency Repair to Elevator	\$171.00

Increase in budgets approved and audited as encumbrances and assignments from 2013 to carry over to 2014		
SF3410.4	Door Replacements on Eden Fire Hall	\$2,500.00
SF3410.2	Hose- Itemized Equipment from Dival not received until 2014	\$810.00
D 5110.4	Culvert Box - Great Lakes Concrete	\$25,354.88
A 1410.4	Resolution Letterhead & Book Restoration	\$1,123.00
A 3120.4	Sewing Technology - uniforms	\$1,365.20
A 3620.4	Sewing Technology - uniforms	\$1,551.30
A 8540.4	Assignment for Drainage Work	\$2,000.00

**MOTION** was made by Councilman Krycia 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	283-340	\$58,600.26
Highway Dept. Fund	148-182	\$63,189.98
Fire Dept. Fund	120-139	\$6,948.56
Recreation Dept. Fund	43-60	\$5,441.09
Refuse and Garbage Fund	6-7	\$38,643.25
Street Lights Fund	12-14	\$4,785.52

Water Fund	20-23	\$6,158.92
Trust & Agency Fund	--	--
Capital Fund H3410.2 H8320.402 H8302.404	5	\$7,020.00
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 May 2014 were presented by Matthew Colvin, Eden Fire Chief; Michael Felschow, Eden Police Chief; Ray Zabron, Dog Control Officer; Ronald Maggs, Superintendent of Highways; William Trask, Town Attorney; Heather Ohmit for Mary Jo Hultquist, Town Clerk; Susan Brass, Recreation Director; Robert Pietrocarlo, Chairman Board of Assessors. All reports are on file in the Town Clerk’s office.

Highway Superintendent Ron Maggs requested the Town Board’s action on four items.

**MOTION** was made by Councilwoman Pew to allow Highway Department assistance with the Eden Corn Festival; seconded by Councilman Krycia; All “Ayes”? Opposed? – None; Abstain? – Councilman Ventry; Motion carried.

**MOTION** was made by Councilwoman Pew to allow Highway Department assistance with the parking lot at the American Legion Post #880, including oil and stone, cost of materials to be paid by Post #880; seconded by Supervisor Nellis; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.  
It was noted that three board members, Supervisor Nellis, Councilwoman Pew, and Councilman Ventry, have a direct affiliation with the American Legion Post #880.

**MOTION** was made by Councilwoman Pew to declare 2005 Chevrolet pickup truck, VIN# 1GEC14X55Z281872 as surplus and sell at auction; seconded by Councilman Ventry; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

**MOTION** was made by Councilwoman Pew to approve Off-Road Drainage Project #2014-01, Hand clearing of obstructions on various creeks and ditches as needed at a cost not to exceed \$1500, seconded by Councilman Ventry; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

Mark Cavacoli, Town Engineer, stated he would meet with the drainage committee and possibly Scott Henry, Code Enforcement Officer, regarding flood plain map updates.

### **New and Unfinished Business:**

#### **1. Annual Audit Report by Drescher and Malecki**

Luke Malecki gave a presentation describing the process of the town audit. Materials are available for viewing in the Town Clerk’s office.

#### **2. Update on Water System Feasibility Study**

Mark Cavacoli, Town Engineer, reported that he and Supervisor Nellis met with Erie County Water Authority staff on June 3, 2014. Discussions continue regarding the ECWA Water System Consolidation. The county will communicate necessary items to be resolved before this will happen, and appropriate criteria will have to be met. All items are still in the discussion process.

### **3. Update on Green Street/Depot Street Water Project**

Mark Cavacoli, Town Engineer, presented the following resolution authorizing advertising for bids on the Green Street/Depot Street Water Project. Although no date has been set, advertising will likely occur the first or second week of July 2014, with construction set to start after the Eden Corn Festival.

Councilwoman Pew read the following Resolution:

**RESOLUTION  
TOWN OF EDEN, EDEN TOWN BOARD JUNE 11, 2014  
AUTHORIZING ADVERTISING FOR BIDS ON  
GREEN STREET/DEPOT STREET WATER PROJECT**

WHEREAS, since March 12, 2014, proceedings have been initiated to consider the increase and improvement of facilities of the Town of Eden Consolidated Water District and Extensions consisting of the construction and replacement of approximately 850 lineal feet of 8-inch waterline along Green Street in the Town, and the abandonment of approximately 430 lineal feet of 6-inch waterline along Depot Street in the Town, as well as other such improvements as more fully identified in a map, plan and report dated March, 2014 (hereinafter "Project"), and

WHEREAS, the Eden Town Board has been advised by project engineers, Conestoga, Rovers and Associates (hereafter "CRA") that it has prepared such plans and specification as are necessary to competitively bid the project work and

WHEREAS, CRA has recommended that the Town Board proceed to advertise the project construction and receive bids for such work at this time.

NOW, THEREFORE, it is hereby

RESOLVED, that the Town Supervisor is authorized to place such advertisements and legal notices as may be required to be published and posted for purposes of soliciting bids for the said project as soon as CRA verifies that they are in a position to prepare bid specifications. Such bid specifications will state that the final bid award will be contingent upon the town confirming financing and final approval by all reviewing agencies.

**MOTION** was made by Councilwoman Pew to accept the Resolution authorizing advertising for Bids on Green Street/Depot Street Water Project; seconded by Councilman Krycia; All "Ayes"? Opposed? – None; Abstain? – None; Motion carried.

Town Attorney William Trask noted that there would need to be a separate ratification resolution setting the date to be decided at the July Town Board Meeting.

Town Attorney William Trask proposed a Resolution to authorize Supervisor Nellis to execute the Right of Way Work Permit Agreement and Release and Indemnification Contract with Buffalo Southern Railroad Inc., in the area of the Green Street/Depot Street Water Project, with the stipulation that authorization is subject to review by the Town Attorney, and the Indemnification Contract is subject to review and approval by The Evans Agency.

**MOTION** was made by Councilwoman Pew to accept the proposed Resolution by Town Attorney Trask, seconded by Councilman Ventry; All "Ayes"? Opposed? – None; Abstain? – None; Motion carried.

### **4. Itemize East Eden Fire Department Equipment Bids**

Discussion regarding the East Eden Fire Department Equipment Bids resulted in questions by Town Board members. As there were no East Eden Fire personnel represented to respond to these questions, the Town Board decided to table this item.

**5. Permission for Town Highway Department to assist Corn Festival Committee**

This agenda item was addressed during the Highway Superintendent's report.

**6. Declare Highway Department Truck as surplus**

This agenda item was addressed during the Highway Superintendent's report

**7. Ratify purchase of Police Department Computer**

**MOTION** was made by Supervisor Nellis to approve the purchase of new computers for the Police Department (one in new car) at the approximate cost to the town of \$2000; seconded by Councilwoman Pew; All "Ayes"? Opposed? – None; Abstain? – None; Motion carried.

The Town Board extended their thanks to the Eden Police Club for their contribution of \$1000 towards this purchase.

**8. Household Hazardous Waste Drop-Off Day**

This will be held on June 14<sup>th</sup> at ECC South Campus from 9:00am to 2:00 pm.

**9. Off Road Drainage Project**

This agenda item was addressed during the Highway Superintendent's report.

**10. Resolution to Apply for Farmland Protection Implementation**

Town Attorney William Trask indicated that the Board of Directors of the WNY Land Conservancy has adopted a resolution that, if approved by the state, will allow them to be co-applicant on this item. If not approved, then the town will use the stand-alone resolution. Per Attorney Trask, the sole application will be known as Resolution #10. The co-application will be known as Resolution #10A.

Supervisor Nellis read the following Resolution:

**Town of Eden-Resolution #10**  
**RESOLUTION TO APPLY FOR A FARMLAND PROTECTION**  
**IMPLEMENTATION GRANT FROM NEW YORK STATE**

WHEREAS, The New York State Department of Agriculture and Markets is soliciting applications for the Farmland Protection Implementation Grants ( FPIG) to protect farmland with conservation easements resulting from the sale of development rights.

WHEREAS. The Town of Eden adopted an Agricultural & Farmland Protection Plan on August 12, 2009, with the goal of stabilizing the town's agricultural land base,

WHEREAS, The Town of Eden desires to submit and FPIG application for the purchase of development rights and placement of a conservation easement on the Henry Farm (see attachment), and

WHEREAS, the Town of Eden desires to co-hold the Henry Farm conservation easement with the Western New York Land conservancy,

NOW THEREFORE, BE IT RESOLVED:

1.Glenn Nellis, as Supervisor of the Town of Eden, is hereby authorized to submit and FPIG application for the Henry Farm conservation easement to the

New York State Department of Agriculture and Markets, and when awarded to accept funds;

2. The Town of Eden commits to providing \$4000 to assist with project costs of the Henry Ram conservation easement funded by the New York State Department of Agriculture and Markets FPIG.

**MOTION** was made by Supervisor Nellis to accept the resolution #10 as read, seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis read the following Resolution:

**Town of Eden-Resolution #10A**

**RESOLUTION TO CO-APPLY WITH THE WESTERN NEW WORK LAND  
CONSERVANCY FOR A FARMLAND PROTECTION IMPLEMENTATION  
GRANT FROM NEW YORK STATE**

WHEREAS, The New York State Department of Agriculture and Markets is soliciting applications for the Farmland Protection Implementation Grants ( FPIG) to protect farmland with conservation easements resulting from the sale of development rights.

WHEREAS. The Town of Eden adopted an Agricultural & Farmland Protection Plan on August 12, 2009, with the goal of stabilizing the town’s agricultural land base,

WHEREAS, The Town of Eden desires to submit and FPIG application for the purchase of development rights and placement of a conservation easement on the Henry Farm (see attachment), and

WHEREAS, the Town of Eden desires to co-hold the Henry Farm conservation easement with the Western New York Land conservancy,

NOW THEREFORE, BE IT RESOLVED:

1.Glenn Nellis, as Supervisor of the Town of Eden, is hereby authorized to submit and FPIG application for the Henry Farm conservation easement to the New York State Department of Agriculture and Markets, and when awarded to accept funds;

2. The Town of Eden commits to providing \$4000 to assist with project costs of the Henry Ram conservation easement funded by the New York State Department of Agriculture and Markets FPIG.

**MOTION** was made by Supervisor Nellis to accept the resolution #10A as read, seconded by Councilwoman Pew; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**11. Right of Way Permit Agreement**

**MOTION** was made by Councilwoman Pew to authorized Supervisor Nellis to sign the permit agreement with Buffalo Southern Railroad Inc.; seconded by Councilman Ventry; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

June 11, 2014

**Supervisor's Report:**

Supervisor Nellis noted the opening of Meridia Credit Union. Supervisor Nellis reported receiving notification regarding a Block Grant amendment. This item is informational in nature and no action is necessary.

**Hearing of Visitors:**

There were none.

**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 8:55 P.M.

**Executive Session:**

Supervisor Nellis adjourned the Executive Session of the Eden Town Board Meeting at 10:00 P.M.

Respectfully submitted by,

Heather Ohmit  
Deputy Town Clerk