

August 13, 2014

**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
AUGUST 13, 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

**DEPARTMENT HEADS PRESENT:**

Mark Cavacolli - Town Engineer  
Ronald C. Maggs - Superintendent of Highways  
Michael J. Felschow - Chief of Police  
Matthew Colvin - Eden Fire Chief  
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 July 9, 2014; there were none.

**MOTION** was made by Councilman Ventry to approve the Town Board Minutes of July 9, 2014 as presented; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Petitions:**

There were none.

**Budget Transfers/Amendments:**

<b>From Account</b>	<b>To Account</b>	<b>Reason for Amendment</b>	<b>Amount</b>
SF3410.4 Fire-Contractual	SF3410.2 Fire-Equipment	Purchase of hose to replace hose that failed testing	\$2,320.00
D2690 Other Compensation for Loss	D5110.4 Maintenance of Roads	Pmt. Rec'd for damage done by farmer to Sandrock	\$2,001.87

A2192 Charges Cemetery Services	A8810.1 Cemetery maint. Personal	Offset costs for supv. At burials at N. Evans Cemetery	\$263.00
A2192 Charges Cemetery Services	A8810.4 Cemetery Maint. Personal	Cost of Grave opening at N. Evans Cemetery	\$400.00

**MOTION** was made by Councilwoman Pew to approve the Budget Transfers/Amendments as presented; seconded by Councilman Krycia; 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	418-498	\$65,900.04
Highway Dept. Fund	209-239	\$186,780.66
Fire Dept. Fund	163-193	\$21,112.67
Recreation Dept. Fund	79-96	\$8,894.49
Refuse and Garbage Fund	9	\$37,730.24
Street Lights Fund	18-20	\$4,243.37
Water Fund	29-37	\$30,023.77
Trust & Agency Fund	--	--
Capital Fund		
H3410.2		
H8320.403	2-3	\$2,984.01
H8302.404	7-9	\$3,129.04
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 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; Mary Jo Hultquist, Town Clerk; Supervisor Nellis for Scott Henry, Zoning Code Enforcement Officer; and Susan Brass, Recreation Director. All reports are on file in the Town Clerk’s office.

Matthew Colvin, Eden Fire Chief requested \$1,000.00 to match a grant from NYSDEC if awarded. This grant is to purchase portable radios and a chain saw. It is a 50% match with a maximum award of \$1,000.00.

**MOTION** was made by Supervisor Nellis to approve the \$1000.00 to match a grant from NYSDEC to purchase portable radios and a chain saw; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Matthew Colvin, Eden Fire Chief requested adding Peter Schmitz of 2864 Paxon Road to the active roster of the Eden Fire Department pending his background check and physical.

**MOTION** was made by Councilwoman Pew to add Peter Schmitz of 2864 Paxon Road to the active roster of the Eden Fire Department pending his background check and physical; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**New and Unfinished Business:**

**1. Bid Recommendation for Green Street and Depot Street Water System Improvements**

Mark Cavacoli, CRA Infrastructure and Engineering, Inc. requested a discussion at Executive Session regarding the bids received for the Green Street and Depot Street Water System Improvements. Only 2 (two) bids were received and they were extremely high and over-budget.

**2. Ratification of Sunday work on National Fuel Project**

Supervisor Nellis read the following:

**TOWN BOARD RATIFICATION ON  
NATIONAL FUEL PROJECT IN EAST EDEN**

At the request of National Fuel and after discussion with their project engineer, the Eden Town Board is voting to ratify permission under Section 146-8 of the Eden Town Code, which states hours of operation to be 7 a.m. to 7 p.m. weekdays to be allowed to have limited work crews perform work on Sundays in August and September to complete gas line replacement in the vicinity of 7889 East Eden Road, with the further condition that the truck noise be kept to a minimum, including limiting “back-up alarms” used.

**MOTION** was made by Supervisor Nellis to approve the above-referenced ratification on National Fuel project in East Eden; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**3. Ratification giving Superintendent of Highways permission to fix certain property damage**

**MOTION** was made by Supervisor Nellis to authorize the Town of Eden Superintendent of Highways, Ronald Maggs, to repair damage to lawns located at 8463 N. Main Street and 8473 N. Main Street, which were slightly rutted up by emergency vehicles during an emergency response incident on Maple Avenue on July 3<sup>rd</sup> and 4<sup>th</sup>, 2014; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**4. Presentation by Chamber on Special Committee set up to discuss the future enhancement and common vision of the Hamlet of Eden**

This agenda item was tabled to be discussed at a future town board meeting.

**5. Correcting Resolution on close out of Schoolview Waterline Replacement Contract**

Supervisor Nellis read the following resolution:

**CORRECTING RESOLUTION  
FOR  
CLOSING SCHOOLVIEW DRIVE WATERMAIN REPLACEMENT PROJECT  
TOWN OF EDEN, EDEN TOWN BOARD  
August 11, 2014  
Original Resolution July 9, 2014**

**WHEREAS**, on July 9, 2014, the Eden Town Board adopted a Resolution purporting to “close” the Schoolview Drive Watermain Replacement Project, and

**WHEREAS**, subsequent to the adoption of said resolution, it was determined that there was an error in the balance remaining for this project, partially due to some unpaid

project expenses which were not reflected in the closing figures contained in such resolution, and

**WHEREAS**, the Eden Town Board has received satisfactory documentation confirming that all work on the Schoolview Drive Water Main Replacement Project is completed and has been accepted upon recommendation of project engineers and the Town of Eden seeks to formally close this project.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that the Eden Town Board does declare the Schoolview Drive Water Main Replacement Project as “closed”, and it is further

**RESOLVED**, that the Eden Town Board does hereby report the sum of \$134,039.28 as the balance remaining on the Schoolview Drive Water Main Replacement Project to be used for debt, and it is further

**RESOLVED**, that the Eden Town Supervisor be permitted to sign any required documentation with regard to the closing out of the Schoolview Drive Water Main Replacement Project.

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

**6. Discussion and Approval Resolution on repair of Eden Library Floor**

Supervisor Nellis read correspondence from Phil Muck, Vice President and Trustee of Eden Library, regarding a tripping hazard at the Eden Library. As patrons enter the reading room from the east entrance of the library, the tile floor area to the carpeted flooring currently has about a two-inch ridge due to building settling. This is a hazard that could cause someone to trip and fall with the possibility of injury.

Supervisor Nellis, Mr. Maggs and Scot Christiansen have made an inspection of the area and have come to a consensus that the floor rug be rolled back three to four feet to expose the problem and grind down the ridge. In order to meet handicap accessibility requirements this should be ground down to allow for one-inch rise for every 12 inches of incline.

Five construction and/or concrete contractors have been contacted and three companies were called regarding the rug roll back and replacement.

At a special meeting of the Eden Library Trustees on August 5, 2014 a motion was made to accept the bids for the concrete work from Brockman Brothers, Inc. at a cost of \$2,295.00 (bid memo attached) and carpet floor rollback and replacement from Rick’s Decorator Carpeting, at a cost of \$300.00 (verbal agreement).

**MOTION** was made by Supervisor Nellis, after a brief discussion with William Trask, Town Attorney, based on the recommendation of the Eden Library Trustees, to accept the bid from Brockman Brothers, Inc. at a cost o \$2295.00 and Rick’s Decorator Carpeting at a cost of \$300.00; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**7. Approve purchase of hoses for East Eden Fire**

This agenda item was tabled to be discussed at a future town board meeting.

**8. Informational only – Liquor License renewal for Four Corners Café**

A Liquor License Renewal for Four Corners Café was received and filed.

## **9. Part-time Public Safety Dispatcher**

Supervisor Nellis read correspondence from Michael Felschow, Chief of Police recommending Kenneth Heary as a part-time Public Safety Dispatcher.

**MOTION** was made by Councilwoman Pew to appoint Kenneth Heary as a part-time Public Safety Dispatcher at a rate of pay of \$10.92/hour; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

### **Supervisor’s Report:**

- Thursday, August 28, 2014 Supervisor Nellis is hosting the Regular Meeting of the Association of Erie County Governments at the American Legion Post 880.
- Recycling Day in Brant, NY on August 30, 2014 – non-resident participants will be subject to a recycling fee of \$0.50/lb.
- The Safety Committee and the Eden Fire District received a Certificate of Achievement for having no workmen’s compensation claims.
- September 13, 2014 is the annual Fall Garage Sale sponsored by the Eden Chamber of Commerce.
- October 4, 2014 – the Southtowns Coalition will meet.
- Roadwork has begun on Route 62, starting at Braymillers Market. Eden Evans Center Road is scheduled to begin within a week or so.
- Councilman McLaughlin publicly thanked the American Legion Post 880 for the ceremony for Veterans before the Corn Festival Parade on Sunday, August 3, 2014.

### **Hearing of Visitors:**

Karl Simmeth, Community Liaison from Assemblyman David DiPietro’s office.

### **Executive Session:**

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board to go into Executive Session at 8:25 P.M.

**MOTION** was made by Councilman McLaughlin to adjourn to Executive Session at 8:25 P.M.; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**MOTION** was made by Councilwoman Pew to return to the Regular Meeting of the Eden Town Board at 8:45 P.M.; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis stated that after much discussion it was decided that the Town Board would reject all bids received for the Green Street and Depot Street Water Systems Improvements at this time and make notification to the bidders.

**MOTION** was made by Councilwoman Pew to reject all bids and notify the bidders for the Green Street and Depot Street Water Systems Improvements at this time; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

### **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 8:47 P.M.

August 13, 2014

**Executive Session:**

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

Respectfully submitted by,

Mary Jo Hultquist  
Town Clerk