

**MINUTES**

**TOWN BOARD MEETING  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
OCTOBER 22, 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

**OTHERS PRESENT:**

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.

**New and Unfinished Business:**

**1. Adoption of Fire Budget**

Supervisor Nellis stated that a Public Hearing was held on Tuesday, October 21, 2014 at 6:00 p.m. at the Eden Town Hall to consider the 2015 preliminary Fire Budget. The fire budget will increase from \$1.25 to \$1.27 per thousand and the increase was due to oxygen tanks and fire gear. The fire department has several new members and it costs approximately \$3,000.00 to outfit a new fireman.

**MOTION** was made by Councilwoman Pew to adopt the 2015 Fire Budget as presented; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

**2. Green Street/Depot Street/Erie Street/West Church Street Water Project**

Mark Cavacoli, CRA reviewed with the Town Board that bids were received for the Green/Depot Street project in July 2014. The bids received were too high and rejected by the Town Board in August 2014. The Town of Eden had received a grant from the Community Development Block Grant in the amount of \$100,000 for this project and can be held for the new bids in early 2015. Mr. Cavacoli then stated that several streets would be added in the general area of Green/Depot Street to the Water Project and by adding the new streets the cost per home would be approximately \$8.99 for 35 years, which is approximately the same as the previous cost. Mr. Cavacoli is hoping to get the bids out as early as possible in January 2015.

**Professional Contract:**

Supervisor Nellis read the following fee schedule:

Based on the revised Scope of Services detailed in this change order proposal, CRA will complete the professional services required for the additional fees shown below:

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Project Planning Phase	\$ 1,800 Lump Sum
Engineering Design Phase	\$24,700 Lump Sum
Construction Administration Services	<u>\$11,700 Lump Sum</u>
Total	\$38,200
Estimated Resident Inspection	<u>\$21,000 Hourly Upset Allowance</u>
Grand Total	\$59,200

**MOTION** was made by Councilwoman Pew to approve the Professional Contract for CRA Infrastructure & Engineering, Inc. in the total amount not to exceed \$59,200 and to authorize Glenn R. Nellis, Supervisor to sign the required documents; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Lead Agency and SEQRA:**

Supervisor Nellis read the following resolution:

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

Name of Action: Water Systems Improvements

**WHEREAS**, the Town of Eden Town Board is considering various improvements to existing waterlines along Green Street, Depot Street, Erie Street, Sunset Drive and West Church Street, and

**WHEREAS**, the proposed improvements include the construction of approximately 3,000 feet of new 8-inch waterline and the abandonment of approximately 430 feet of existing waterline, 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**, the Environmental Assessment Form dated October 20, 2014 has been submitted to CRA Infrastructure & Engineering, Inc. for the Town Board’s consideration, and

**WHEREAS**, the Town Board has determined the proposed project is not within an agricultural district and, therefore, the requirements of 6 NYCRR 617.6 (a) (6) do not apply, and

**WHEREAS**, after examining the environmental assessment form, the Town Board has determined that the Erie County Water Authority, Erie County Health Department and Erie County Industrial Development Agency will be involved as permitting 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; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Map, Plan and Report:**

**MOTION** was made by Councilman Krycia to receive and accept the Map, Plan and Report; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**MOTION** was made by Councilman McLaughlin to close the Regular Meeting of the Eden Town Board and open the Public Hearing; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis closed the Regular Meeting of the Eden Town Board at 7:45 p.m.

**7:45 P.M.  
Public Hearing  
Preliminary 2015 Budget Presentation**

The purpose of the Public Hearing is to review the Proposed Budget of the Town of Eden for the year 2015.

Supervisor Nellis made the following observations in the 2015 Budget:

	<u>2014 Tax Rates</u>	<u>2015 Tax Rates</u>
General	\$1.98	\$2.02
Highway	\$3.78	\$3.86
St. Light	\$ .18	\$ .20
Fire	<u>\$1.25</u>	<u>\$1.27</u>
Total	\$7.19	\$7.35 = increase of 1.3%

**The Garbage Rate for 2015 is \$155.00 per unit, remaining the same as 2014.**

Supervisor Nellis stated that a 2% increase, across the board, would be given to all employees.

Supervisor Nellis stated that copies of the Proposed 2015 Budget have been made available in the Town Clerk’s office.

The following residents made comments regarding the proposed budget:

Phil Muck stated the quality of a good community depends on the schools, fire, police and highway. Mr. Muck is concerned that the community and property owners will not be served well with a part-time Code Enforcement Officer, asking the Town Board members to consider making the position full-time.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the Public Hearing at 7:50 p.m.

**MOTION** was made by Councilman McLaughlin to close the Public Hearing and open the Regular Meeting of the Eden Town Board; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Set Public Hearing:**

Councilwoman Pew read the following resolution:

**ORDER CALLING  
PUBLIC HEARING TO BE HELD ON  
NOVEMBER 12, 2014**

October 22, 2014

WHEREAS, the Town Board of the Town of Eden (herein called “Town Board” and “Town”, respectively), in the County of Erie, New York, has, pursuant to Town Law, created the Town of Eden Consolidated Water District (the “District”); and

WHEREAS, in March of 2014, the Town Board directed CRA Infrastructure & Engineering, Inc., competent engineers licensed in New York, to prepare a map, plan and report for a water system capital improvements project within the District; and

WHEREAS, in April of 2014, the Town approved, through Town Law Section 202-b proceedings and a bond resolution (dated April 9, 2014), a certain capital improvements project in the District; and

WHEREAS, the Town Board has directed CRA Infrastructure & Engineering, Inc., competent engineers licensed in New York, to prepare a revised map, plan and report dated October 2014 to include additional improvements to the facilities of the District; and

WHEREAS, such revised map, plan and report amends a certain prior map, plan and report (dated March 2014) for the purposes of (a) modifying the scope of the project to include additional streets, (b) increasing the estimated maximum cost of the project and (c) increasing the amount of bonds (and notes) for the project; and

WHEREAS, such revised and expanded project will generally include, but not be limited to, the installation of approximately 3,000 lineal feet of 8-inch waterline along Green Street, Depot Street, Erie Street, Sunset Drive and West Church Street, the abandonment of approximately 430 lineal feet of 6-inch waterline, the installation of interconnections, hydrants, valves and appurtenances, the transfer of services to an adjacent watermain, and the reconnection of services to the new water line, as well as other such improvements as more fully identified in such revised map, plan and report referred to above, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto, and in the connection with the financing thereof, (collectively, and as so expanded, the “Project”); and

WHEREAS, the October 2014 amendment (a) expands the scope of the project, (b) increases the cost from \$200,000 to \$664,000 and (c) increases the aggregate amount of bonds from \$200,000 to \$664,000; and

WHEREAS, said estimated maximum cost is to be financed by a combination of grants and by the issuance of serial bonds; and

WHEREAS, pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary engineering map, plan and report (as so amended) for said increase and improvement of facilities of the District and has estimated the total cost thereof to be an increased estimated maximum amount of \$664,000; said cost to be financed by the issuance of serial bonds of the Town in the increased aggregate amount of \$664,000, such amount to be offset by any federal, state, county and/or local funds received including, but not limited to, Community Development Block Grant funds of approximately \$100,000; and

WHEREAS, such revised preliminary map, plan and report (hereinafter referred to as map, plan and report) has not been modified in any material respect other than as described above;

NOW, THEREFORE, BE IT

ORDERED that a meeting of the Town Board of the Town of Eden will be held at the Town Hall, 2795 East Church Street, Eden, New York, on November 12, 2014 at 7:45 o'clock P.M. (prevailing Time) or shortly thereafter to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it

FURTHER ORDERED, that the expense of said increase and improvement of the facilities shall be financed by the issuance of serial bonds of the Town in an aggregate amount not to exceed \$664,000 said amount to be offset by any federal, state, county and/or local funds received, including, but not limited to, Community Development Block Grant funds of approximately \$100,000, and unless paid from other sources or charges, the costs of said increase and improvement of facilities shall be paid by the assessment, levy and collection from the several lots and parcels of land within the District for such purpose in the same manner and at the same time as other Town charges to pay the principal of and interest on said bonds as the same shall become due and payable, except as otherwise provided by law; and be it

FURTHER ORDERED, that the Town Clerk publish at least once in each newspaper designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten nor more than 20 days before the date of such public hearing.

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

**MOTION** was made by Councilman Ventry to close the Regular Meeting of the Eden Town Board and open the Public Hearing; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis closed the Regular Meeting of the Eden Town Board at 8:00 p.m.

**8:00 p.m.**  
**Public Hearing**  
**Community Development Block Grant Program**

Supervisor Nellis explained the purpose of the public hearing was to listen to any concerns or questions that citizens have.

Supervisor Nellis stated that funding for replacing water pipes on Green/Depot Streets had been received in 2014 in the amount of \$100,000 and will be held and used for the new water project in 2015.

There were no other comments.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the Public Hearing at 8:10 p.m.

**MOTION** was made by Councilwoman Pew to close the Public Hearing and return to the Regular Meeting of the Town Board; seconded by Councilman Ventry; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

**3. Block Grant Program**

Supervisor Nellis read the following Authorizing Resolution:

**AUTHORIZING RESOLUTION**

At a meeting of the Town of Eden Board held on October 22, 2014, the Board authorized Glenn R. Nellis, Supervisor to sign, submit and execute a contract with Erie County Community Development Block Grant (ECCDBG) program for the following project(s) upon approval of ECCDBG.

- 1.
2. Rural Transit Service, Inc.

3.

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

**4. Setting Public Hearing on Sign Law**

**MOTION** was made by Councilman Krycia to set the Public Hearing for the revised Sign Law on November 12, 2014 at 8:00 p.m.; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**5. Agreement to Extend Wepax Rd. Service Area Water Maintenance Agreement with Village of Farnham and authorize Town Clerk and Supervisor to sign same.**

Supervisor Nellis read the following resolution:

**AGREEMENT TO EXTEND  
THE WEPAX ROAD SERVICE AREA  
WATER MAINTENANCE AGREEMENT  
BETWEEN THE TOWN OF EDEN AND  
THE VILLAGE OF FARNHAM**

**WHEREAS**, the Wepax Road Service Area Water Maintenance Agreement between the Town of Eden and the Village of Farnham dated October 13, 2004 expired on October 13, 2009; and

**WHEREAS**, the 5-year “Agreement to Extend the Wepax Road Service Area Water Maintenance Agreement between the Town of Eden and the Village of Farnham dated January 12, 2011 expired on October 13, 2014; and

**WHEREAS**, both the Town of Eden and the Village of Farnham are desirous to again renew the 2004 Agreement for an additional period of five (5) years, retroactive to October 13, 2014;

**NOW, THEREFORE BE IT RESOLVED** that the Town of Eden and the Village of Farnham agree to again renew the October 12, 2004 Wepax road Service Area Water Maintenance Agreement for a five (5) year period, retroactive to October 13, 2014 so that the agreement, as extended, now expires on October 13, 2019; and be it further

**RESOLVED** that Appendix B “Schedule of Fees and Compensation” of the January 12, 2014 Agreement to Extend be amended per the attached new updated Appendix B.

**APPENDIX “B”**

**SCHEDULE OF FEES AND COMPENSATION**

Certified Water Operator	-	\$17.54/hour (to May 31, 2015)
Village Truck/Mileage	-	\$ .55/hour (current rate per mile)
Materials	-	To be reimbursed at 100% Cost – Approved prior to purchase

**MOTION** was made by Councilman Krycia to approve the resolution as presented and authorize Glenn R. Nellis, Supervisor to sign the appropriate documents; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**6. N.E.S.T. Resolution supporting a Statewide Campaign to Recover More Textiles from the Waste Stream**

Councilman McLaughlin read the following resolution:

**RESOLUTION SUPPORTING A STATEWIDE CAMPAIGN  
TO RECOVER MORE TEXTILES FROM THE WASTE STREAM**

**WHEREAS**, the Town of Eden operates a successful recycling program for the Town of Eden residents and businesses with a goal to reduce, reuse and recycle components of the waste stream in order to benefit the environment; and

**WHEREAS**, the Town of Eden is supportive of expanding recycling efforts in New York State that capture and reuse waste items that would otherwise be disposed of as solid waste; and

**WHEREAS**, the United States Environmental Protection Agency estimates that only about 15% of unwanted textiles, including clothing, shoes, hats, linens, towels and belts are donated for reuse or recycling; the remaining 85% is simply trashed, estimated at 70 pounds per citizen per year; and

**WHEREAS**, the Town of Eden has recognized that the New York State Association for Reduction, Reuse and Recycling (NYSARRR) is teaming up with the Council for Textile Recycling (CTR) and the Association of Wiping Materials, Used Clothing and Fiber Industries, also known as Secondary Materials and Recycled Textiles (SMART) to launch a first-of-its-kind statewide textile recovery campaign in New York State aimed at recovering 1.4 billion pounds of textiles trashed annually in New York State, with a market value of \$200 million, by:

- Increasing awareness for the need to increase textile recovery and recycling and reducing wasteful textile disposal practices
- Enhancing job development through the recovery of more materials, and
- Promoting collaboration between key textile recovery stakeholders, including collectors, recyclers, retailers, and municipal recycling professionals; and

**WHEREAS**, the Town of Eden wishes to take a leadership role in recycling efforts to reduce solid waste and recycle those components of the waste stream in order to benefit the environment by promoting textile recovery efforts and communicating the environmental, economic, and social benefits of increased textile recovery; now, therefore, be it

**RESOLVED**, that the Town of Eden does hereby express its strong support of a Statewide campaign to recover more textiles from the waste stream and to thereby reduce waste that would otherwise end up in the solid waste stream by promoting textile recovery efforts and communicating the environmental, economic, and social benefits of increased textile recovery. This Resolution shall take effect immediately.

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

**7. Authorize Ron Maggs to assist with new playground at GLP School**

Supervisor Nellis stated that he received correspondence from the Principal at the GLP school to construct a community pre-K playground. The request is for an excavator to prepare the ground for the new playground equipment. Ron Maggs, Highway Superintendent would be completing the task. The project is to take place October 30 and November 1, 2014.

Councilman Ventry asked if an estimate of cost had been received?

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**MOTION** was made by Supervisor Nellis to approve the request of the GLP school Principal to have Ron Maggs, Highway Superintendent assist with the project to prepare the ground for the new playground at his discretion and with an estimate of cost with an invoice prior to the beginning of the project, which is slated for October 30 and November 1, 2014; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Supervisor’s Report:**

No report.

**Hearing of Visitors:**

Mary Jo Hultquist stated that the 1<sup>st</sup> annual Halloween Parade, sponsored by the Eden Chamber of Commerce, will be held on Saturday, October 25, 2014 at 12:30 p.m., beginning at the Eden Town Hall.

**Adjournment:**

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

Supervisor Nellis adjourned the Work Session Meeting of the Eden Town Board at 8:35 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