

May 13, 2015

**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
MAY 13, 2015  
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
Scott Hultquist	-	EMS Director
Dave Rice	-	Eden Fire Department
Andrew Breier	-	East Eden Fire Chief
Robert Pietrocarlo	-	Chairman Board of Assessors

**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 April 8, 2015; there were none.

**MOTION** was made by Councilman McLaughlin to approve the Town Board Minutes of April 8, 2015 as presented; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Petitions:**

There were none.

**Budget Transfers/Amendments:**

Supervisor Nellis read the following Budget Transfers/Amendments:

<b>From Account</b>	<b>To Account</b>	<b>Reason for Amendment</b>	<b>Amount</b>
SW884 Water-Reserve for Debt	SW9950.9 Water-transfer to Capital	Use of reserve from Schoolview Road Project to pay down principal on BAN	\$134,000.00
SW9730.7 Water-BAN Interest	SW9710.751 Water Dist. #5 Bond Interest	Correct error on March Budget Transfer	\$11,483.01
H2710 Capital-Premium on Obligation	H9901.9 Capital – Transfer Out	Transfer Premium on Obligation from BAN to Water Reserve for Debt	\$16,217.30
SW5031 Water-Transfer In	SW884.1 Reserve for Debt-WD #5	Transfer WD#5 portion of premium on obligation from BAN to reserve for debt	\$8,045.40
SW5031 Water-Transfer In	SW884 Reserve for debt	Transfer Consolidated WD portion of premium on obligation from BAN to reserve for debt	\$8,171.90

**MOTION** was made by Councilwoman Pew to approve the Budget Transfers/Amendments as presented; seconded by Councilman Ventry; 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.

<b>DESCRIPTION</b>	<b>VOUCHER NUMBERS</b>	<b>AMOUNT</b>
General Fund	236-309	\$74,081.63
Highway Dept. Fund	92-126	\$44,932.25
Fire Dept. Fund	68-93	\$16,018.71
Recreation Dept. Fund	21-35	\$4,644.92
Refuse and Garbage Fund	4-5	\$76,965.16
Street Lights Fund	9-11	\$5,342.72
Water Fund	16-17	\$517.21
Trust & Agency Fund	--	--
Capital Fund H3410.2 H8320.402 H8302.403 H8320.404	6	\$1,737.50
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 April 2015 were presented by Scott Hultquist, EMS Director, Dave Rice for Matthew Colvin, Eden Fire Chief; Andrew Breier, East Eden Fire Chief; Michael Felschow, Eden Police Chief; Ronald Maggs, Superintendent of Highways; William Trask, Town Attorney; Mary Jo Hultquist, Town Clerk; Robert Pietrocarlo, Chairman Board of Assessors. All reports are on file in the Town Clerk's office.

Dave Rice, Assistant Chief for Eden Fire Department requested removing Kevin D. Condon and Nathan Flintjer from the active roster of the Eden Fire Department.

**MOTION** was made by Councilwoman Pew to remove Kevin D. Condon and Nathan Flintjer from the active roster of the Eden Fire Department; seconded by Councilman McLaughlin; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Andrew Breier, East Eden Fire Chief requested removing Brandon Walczyk from the active roster of the East Eden Fire Company.

**MOTION** was made by Councilwoman Pew to remove Brandon Walczyk from the active roster of the East Eden Fire Company; seconded by Councilman Ventry; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

**New and Unfinished Business:**

**1. Budget Presentation by Eden Central School District**

Sandra Anzalone, Superintendent of Eden Central Schools gave a presentation on the 2015-2016 Budget. The vote is May 19, 2015 from 9 a.m. to 9 p.m.

**2. Waste Management Presentation of "Keep America Beautiful" Grant Check**

Supervisor Nellis introduced Mike DeClerck and Tom Comfort from Waste Management who presented the Town of Eden with a check in the amount of \$5,000.00 in conjunction with Keep America Beautiful, the nation's leading nonprofit that builds clean, green and beautiful communities. The Town of Eden's Think Green Grant is one of 39 awarded to Keep America Beautiful community-based affiliates and partner organizations across the country.

The Town of Eden is using its Think Green Grant for "The Blooming Mile". The Blooming Mile project began with a New York State grant and this new Think Green Grant will enable the Town to continue to build upon what has already been accomplished. Newly planted trees, flower pots, and small pocket streetscapes will combine with overall beautification efforts along Main Street Eden.

**3. Itemize Fire Company Equipment Bids**

Dave Rice, Eden Assistant Fire Chief requested the Town Board's approval for the 2015 Itemized Fire Equipment Bids. The Eden Fire Department is requesting \$20,491.30. Copies of the bid results are available at the Town Clerk's office.

**MOTION** was made by Councilwoman Pew to approve \$20,491.30 for the 2015 Itemized Fire Equipment bid for the Eden Fire Department; seconded by Councilman Ventry; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

**4. Status report on Green Street, etc. Water Project**

Mark Cavalcoli, Town Engineer, CRA Infrastructure & Engineering, Inc., reported that construction would begin the last week in May for the Water Systems Improvements – Green, Depot, Erie, West Church and Sunset Streets with a completion date of 90 days.

Mr. Cavalcoli also stated that funding may be available through Erie County Community Development Block Grant program to income-eligible households wishing to connect their houses to new community sewer and water services in the Water Systems Improvement area based on income.

Mr. Cavalcoli also stated that the Town of Eden had received a grant from the Community Development Block Grant in the amount of \$100,000.00, which will be used for this project.

**5. MS4 Annual Report**

Supervisor Nellis read the following resolution:

**WHEREAS**, the draft annual MS4 Report for the period ending March 9, 2015 for the Town of Eden has been prepared by the combined efforts of the Town designated MS4 Coordinator, Highway Superintendent Ronald Maggs, and the Town Engineer, CRA Engineering; and

**WHEREAS**, this draft Report will be available for public review and comment for a period of two weeks in the Town Clerk’s office and the Town Supervisor’s Office;

**NOW, THEREFORE**, be it resolved that the Eden Town Board authorizes the Supervisor to accept this Annual Report and sign the Report to be submitted to the NYS Department of Environmental Conservation, as required by the NYS Department of Environmental Conservation.

Note: Supervisor Nellis will sign this report after the two-week period.

**MOTION** was made by Councilwoman Pew to accept the draft annual MS4 Report and authorize Supervisor Nellis to sign the report, which is due by June 1, 2015; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**6. Further discussion of study on water study**

Mr. Cavalcoli stated that discussions are continuing regarding the merger with Erie County Water Authority and the Town of Eden to turn over entire assets to Erie County Water Authority. An update at the June 10, 2015 Town Board Meeting will be given with John Alessi present to discuss legal/bonding issues. A final presentation will be given on June 24, 2015 and at that time the Town Board will consider a decision on behalf of the best interest for the residents.

**7. Community Resolutions/Proclamations**

Supervisor Nellis read the following resolution:

**NORTH AMERICAN SAFE  
BOATING WEEK CAMPAIGN**

**A PROCLAMATION**

Recreational boating is fun and enjoyable, and we are fortunate that we have sufficient resources to accommodate the wide variety of pleasure boating demands. However, our waterways can become crowded at times and be a place of chaos and confusion. While being a marvelous source of recreation, boating, to the unprepared, can be a risky sport. Not knowing or obeying the Navigation Rules or the nautical “Rules of the Road”, drinking alcohol or taking drugs while operating a boat, or choosing not to wear your life jacket when doing so is clearly NOT the smart thing to do, are all examples of human error or lack of proper judgment. One particular behavior that can reduce the number of boaters who lose their lives by drowning each year by

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approximately 80% is the wearing of a life jacket. It is a simple task that has the potential to reduce terrible loss in lives.

Knowledge and skills are important in reducing human error and improving judgment. If people are aware of the risk, they are likely to take the precautionary measures to protect themselves and their friends and family. That is why we must continue to spread the messages of boating safety not only during National Safe Boating Week but also throughout the entire year.

**WHEREAS**, on average, 700 people die each year in boating-related accidents in U.S.; approximately 70% of these are fatalities caused by drowning; and

**WHEREAS**, the vast majority of these accidents are caused by human error or poor judgment and not by the boat, equipment, or environmental factors; and

**WHEREAS**, a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets; and

**WHEREAS**, today's life jackets are more comfortable, more attractive, and more wearable than styles of years past and deserve a fresh look by today's boating public.

**NOW, THEREFORE, BE IT RESOLVED** that the Eden Town Board does hereby support the goals of the North American Safe Boating Campaign and proclaim May 16-22, 2015 as National Safe Boating Week and the start of the year-round effort to promote safe boating.

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

### **PROCLAMATION Poppy Days**

**WHEREAS**, America is the land of freedom, preserved and protected willingly and freely by citizen soldiers; and

**WHEREAS**, Millions who have answered the call to arms have died on the field of battle; and

**WHEREAS**, A nation at peace must be reminded of the price of war and the debt owed to those who have died in war; and

**WHEREAS**, The American Legion Auxiliary has pledged to remind America annually of this debt through the distribution of the memorial flower.

**NOW, THEREFORE, BE IT RESOLVED**, that the Eden Town Board does hereby proclaim the 15<sup>th</sup> day of May 2015 as Poppy Day and ask that all citizens pay tribute to those who have made the ultimate sacrifice in the name of freedom by wearing the Memorial Poppy this day.

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

### **MUNICIPAL CLERKS WEEK**

#### **A PROCLAMATION**

**WHEREAS**, the Office of the Municipal Clerk, a time honored and vital part of the local government, exists throughout the world; and

**WHEREAS**, the Office of the Municipal Clerk is the oldest public servants; and

**WHEREAS**, the Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and

**WHEREAS**, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

**WHEREAS**, the Municipal Clerk is the information center on functions of local government and community; and

**WHEREAS**, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations; and

**WHEREAS**, it is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk;

**NOW, THEREFORE I**, Glenn R. Nellis, Supervisor of the Town of Eden, on behalf of the Eden Town Board, do recognize the week of May 3 through May 9, 2015 as Municipal Clerks Week and further extend appreciation to our Municipal Clerk, Mary Jo Hultquist, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

**Note:** No motion was offered.

**8. Permission for Highway Department to provide assistance**

Supervisor Nellis read the following requests:

1. From Jeff Winter, President of Eden Corn Festival:

To the Eden Town Board: "It's that time of year again when we start to get the Ball rolling and plan out one of the largest and greatest festivals in Western New York. We try every year to make our festival even more exciting and spectacular than ever and this year is no exception. This will be our 52<sup>nd</sup> year of the Eden Corn Festival and we hope to make it a spectacular year.

It takes countless hours of hard work to coordinate such an event. This event would be very difficult to do without the help of the Town of Eden Highway Department and Superintendent Ron Maggs.

We are asking the help of the Highway Department to do small tasks as needed with availability and permission from Ron Maggs."

2. From Boys & Girls Club of Eden (Rick Schaefer):

"On behalf of the Boys & Girls Club of Eden, I would like to request that the Highway Department assist the Club with parking lot restoration with oil and stone this Spring/Summer."

If this request is granted, the Club would pay for the materials (oil and stone) as deemed appropriate by the Highway Superintendent.

3. From American Legion (Bob Reed, GM)

"The American Legion Post 880 is requesting your permission to allow the Eden Highway Department to assist us with our Flags on Main Street Project, and also our Eden Corn Fest.

We do not have the equipment necessary to do these projects, and your help would be greatly appreciated. We thank you in advance for any consideration in this matter.”

**MOTION** was made by Councilwoman Pew to approve the requests as stated, requesting the assistance of Ron Maggs, Highway Superintendent and the Highway Department; seconded by Councilman McLaughlin; “Ayes”; Nellis, Krycia, Pew, McLaughlin; Opposed? – None; Abstain? – Ventry; Motion carried.

**9. Off-Road Drainage Miscellaneous Mowing**

Ron Maggs, as Chairperson of the Off-Road Drainage committee is Recommending that the Town Board approve the following projects:

Project 2015-01: Miscellaneous town wide mowing on various ditches as needed at a cost not to exceed \$1,000.00

**MOTION** was made by Councilwoman Pew to approve Project 2015-01 as recommended by the Off-Road Drainage committee not to exceed \$1,000.00; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**10. Policy update on Full-time employees sick time**

Supervisor Nellis read the following resolution:

**RESOLUTION OF THE EDEN TOWN BOARD**

The Personnel Policy Manual for full-time Town employees not covered by collective bargaining agreements is hereby amended as follows:

The “Policy Statement” for “Sick Leave” is hereby amended to provide that At the end of each calendar year, any sick leave time accrued in excess of the one hundred fifty (150) day maximum shall be paid to the employee at 1/3 of the employee’s regular rate of pay.

The Policy change will be effective immediately upon Town Board Approval.

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

**11. Resignations/Appointments**

Supervisor Nellis read the following resignations/appointments:

From Mark Agle, Chairman of the Eden Planning Board – to appoint Alternate Planning Board Member – Frank Meyer, DDS for a 1-year term.

**MOTION** was made by Councilwoman Pew to appoint Frank Meyer, DDS to a 1-year term as an Alternate Planning Board Member; seconded by Councilman McLaughlin; All “Ayes”; Opposed? - None; Abstain? – None; Motion carried.

From Eden Emergency Squad – to appoint Amy Shephard as part-time Clerk at \$12.00 per hour not to exceed 8 hours per week.

**MOTION** was made by Councilwoman Pew to appoint Amy Shephard as part-time Clerk at \$12.00 per hour not to exceed 8 hours per week; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

From Eden Recreation Advisory Board – to appoint Kevin Armbrust, Playground Assistant at \$9.50 per hour, due to the rejection of employment by personnel already approved.

**MOTION** was made by Councilwoman Pew to appoint Kevin Armbrust, Playground Assistant at \$9.50 per hour; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

From Off-Road Drainage committee – to accept the resignation of Dave Johnson.

**MOTION** was made by Councilman McLaughlin to accept the resignation of Dave Johnson from the Off-Road Drainage Committee, with thanks for his service to the Town of Eden; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

## **12. Backflow Prevention Device and Sewer Service at Highway Garage**

CRA Infrastructure & Engineering, Inc. (CRA) has offered a proposal to provide engineering services in connection with providing a backflow prevention device and sewer service at the Town of Eden’s (Town) Highway Garage (Blue Building) located at 8197 North Main Street.

A site visit was conducted on March 9, 2015 with Ron Maggs, Highway Superintendent. Based on this visit, it was their understanding that the Town anticipates installing a bathroom with a sink and toilet in the Blue Building at the Highway Garage.

Based upon the Scope of Services detailed in the proposal, CRA proposes to complete this project for the lump sum fee of \$3,300.00 (this includes the \$300.00 application preparation fee). Invoicing will be issued monthly based upon estimates of the percentage of work completed during the prior month.

**MOTION** was made by Councilwoman Pew to approve the proposal from CRA to complete the project for the lump sum fee of \$3,300.00; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

## **13. Minor Subdivision Committee of 3 Resolution**

Supervisor Nellis read the following resolution:

### **RESOLUTION ON MINOR SUB-DIVISION COMMITTEE OF THREE**

It is the Town Board’s intention, under the Inter-municipal Agreement signed with the Town of Hamburg, that the Hamburg Code Enforcement Officer’s responsibilities, when acting in Eden, shall include being a member of the Minor Sub-Division Committee, along with the Chairman of the Eden Planning Board and designated representative from our Engineering Firm (i.e., CRA) as set forth in Section 184-17 of the Town Code.

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

### **Supervisor’s Report:**

- Elder Law Day – Wednesday, June 17<sup>th</sup> at the Adam’s Mark Hotel from 9:00 a.m. to 2:00 p.m.
- Received acknowledgement from American Legion for supporting the Flags on Main Street project.
- NYS Insurance Fund – Annual Workers Comp – positive reports for Highway Department, no reportable injuries 3 out of the past 5 years; Eden Fire no reportable injuries 4 out of the past 5 years; and Eden EMS no reportable injuries in the past 5 years.

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- Tire & Scrap Metal Drop-Off – Saturday, May 16<sup>th</sup> at the Eden Highway Garage from 9:00 a.m. to 1:00 p.m. This is the only Tire and Scrap Metal Drop-off for the year.
- Bike Rodeo – Saturday, June 20<sup>th</sup> – registration at 9:30 – rodeo begins at 10:00 a.m.
- Façade program for businesses on Main Street again available.
- Mary Lou Pew, Councilwoman reported that the Emergency Management Committee met with Erie County recently.
- Sandy Anzalone, Superintendent, Eden Central Schools stated that a dedication for Mr. Burnside would be held on Friday, May 15<sup>th</sup> at 4:00 p.m. for his 49 years of dedicated service as a baseball coach!

### **Hearing of Visitors:**

Phil Muck, Oakland Drive, and member of the Zoning Board asked the Town Board if a representative would also be present at the Zoning Board meetings and if so, who would it be?

Supervisor Nellis stated that is a point of discussion at this time. The Town Engineering firm, CRA, may be available and paid by the hour.

Mr. Muck asked what the rate of pay would be and Supervisor Nellis stated that is a point of discussion.

Mr. Muck stated that in a recent Penny saver ad, advertising for a part-time Code Enforcement Officer, that one week it stated that residency was a requirement and the second week, that requirement was omitted?

William Trask, Town Attorney stated that the Public Officers Law requires a code enforcement officer to be a resident of the municipality, unless that residency requirement has been modified through special legislation. The local board, by local law, could change the requirement.

Supervisor Nellis stated that the Code Enforcement Officer must be certified at the time of hiring.

Mr. Muck asked what are the hours of the Building Inspector and is the Hamburg CEO being compensated at an hourly rate and for mileage?

Supervisor Nellis stated 19 hours and the rate of pay is a point of discussion.

Mr. Muck stated that what happened a year ago was a mistake and the feeling is that more expenses are being added to that position.

### **Adjournment:**

**MOTION** was made by Councilman Krycia to adjourn the Regular Meeting of the Eden Town Board; seconded by Councilman McLaughlin; 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,

Mary Jo Hultquist  
Town Clerk

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