

October 14, 2015

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
OCTOBER 14, 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:

Michael J. Felschow - Chief of Police
Matthew Colvin - Eden Fire Chief
Aaron Brind'Amour - East Eden Fire
Robert Pietrocarlo - Chairman Board of Assessors
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 September 9, 2015; there were none.

MOTION was made by Councilman McLaughlin to approve the Town Board Minutes of September 9, 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:

| From Account | To Account | Reason for Amendment | Amount |
|----------------------------|-----------------------------|-------------------------------|---------------|
| A3510.4 Control of dogs | A3120.2 Police equipment | Police SUV turned over to DCO | \$5,000.00 |

| | | | |
|---|---|--|------------|
| A1990.4 Contingent Fund | A3620.1 Safety Inspection Contractual | Dave Rice Inspection School | \$1,018.40 |
| A2705 Gifts & Donations | A1620.4 Town Hall- Contractual | Balance Used of Keep America Beautiful Grant | \$1,000.97 |
| A6989.4 Other Economic Assistance | A1620.4 Town Hall Contractual | Amount used to supplement Keep American Beautiful Grant | \$600.00 |

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.

Supervisor Nellis read the following Budget Transfers/Amendments for the Highway Department:

| From Account | To Account | Reason for Amendment | Amount |
|-------------------------------------|----------------------------|----------------------------------|------------|
| D2770 | D5110.4 General Repairs | Pipe Permit 1-6 | \$2,759.28 |
| D2650 Sale of Excess Material | D5130.4 | Sale of Dump Body and Pick-up | \$6,200.00 |

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.

| DESCRIPTION | VOUCHER NUMBERS | AMOUNT |
|-------------------------|-----------------|--------------|
| General Fund | 600-683 | \$87,860.10 |
| Highway Dept. Fund | 245-281 | \$160,088.48 |
| Fire Dept. Fund | 196-225 | \$22,224.76 |
| Recreation Dept. Fund | 115-130 | \$3,226.73 |
| Refuse and Garbage Fund | 14-18 | \$93,673.26 |
| Street Lights Fund | 24-26 | \$4,613.12 |
| Water Fund | 31-32 | \$7,359.93 |
| Trust & Agency Fund | -- | -- |
| Capital Fund | -- | -- |
| H3410.2 | -- | -- |
| H8320.402 | -- | -- |
| H8302.403 | -- | -- |
| H8302.404 | 20-21 | 18,723.44 |
| -Community Development | -- | -- |

MOTION was made by Councilman Ventry 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 September 2015 were presented by Matthew Colvin, Eden Fire Chief; Aaron Brind’Amour, East Eden Fire Chief; Michael Felschow, Eden Police Chief; Ray Zabron, Dog Control Officer; William Trask, Town Attorney;

Mary Jo Hultquist, Town Clerk; Supervisor Nellis for Mark Clark, Zoning Code Enforcement Officer; Supervisor Nellis for Susan Brass, Recreation Director; Robert Pietrocarlo, Chairman Board of Assessors. All reports are on file in the Town Clerk’s office.

New and Unfinished Business:

1. Approval of Auditors Contract

Supervisor Nellis presented the following to consider a 3-year contract with Drescher & Malecki, LLP, our auditing firm, for auditing services at the following rates and authorizing Supervisor Nellis to sign the engagement letter as presented by Drescher & Malecki, LLP:

| | 2015 | 2016 | 2017 | 2018 | 2019 |
|-------------------------------|-------------|-------------|-------------|-------------|-------------|
| Audit | \$15,050 | \$15,100 | \$15,150 | \$15,225 | \$15,300 |
| Department Audits (3) | \$2,500 | \$2,560 | \$2,570 | \$2,580 | \$2,590 |
| Annual Update Document to NYS | \$1,050 | \$1,050 | \$1,060 | \$1,070 | \$1,080 |
| USDA Procedures | \$875 | \$875 | \$875 | \$875 | \$875 |

MOTION was made by Councilwoman Pew to approve the 3-year contract with Drescher & Malecki, LLP, our auditing firm, for auditing services at the above-mentioned rates and authorizing Supervisor Nellis to sign the engagement letter as presented by Drescher & Malecki, LLP; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

2. Presentation of Preliminary 2016 Proposed Budget

Supervisor Nellis stated that the Preliminary Budget has been prepared and a Public Hearing has been set for Wednesday, October 28, 2015 at 8:00 p.m. Supervisor Nellis provided the following information regarding the preliminary budget for 2016:

| | |
|---------|---------------|
| General | \$2.09 |
| Highway | \$3.87 |
| Light | \$.19 |
| Fire | <u>\$1.28</u> |
| Total | \$7.43 |
| Garbage | \$156.00 |

These figures represent a total increase of 8 cents per thousand.

Supervisor Nellis stated that a 2% increase, across the board, would be given to all employees, with the exception of the Deputy Town Clerks, Highway Clerk and Part-time Dispatchers.

Copies of the Preliminary Budget are available in the Town Clerk’s office.

3. Approval of Municipal Insurance Renewal

Supervisor Nellis read the following resolution:

RESOLUTION

WHEREAS, the Town of Eden municipal insurance policy has been prepared by the Evans Agency, LLC; and

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WHEREAS, Selective Insurance Company is again our insurance provider of choice, and

WHEREAS, for the first time we will be able to provide insurance coverage for any data compromise experienced by the Town of Eden; and

WHEREAS, our coverage by Selective Insurance also provides a participating dividend program for the Town of Eden.

NOW, THEREFORE, BE IT RESOLVED that the Eden Town Board approves our Town comprehensive insurance coverage with Selective Insurance at an annual cost for the one-year policy period of 9/17/15 to 9/17/16 of \$87,507.59.

MOTION was made by Supervisor Nellis to approve the approval of the Municipal Insurance Renewal to Selective Insurance Company for the period of 9/17/15 to 9/16/15 at a cost of \$87,507.59; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

MOTION was made by Councilwoman Pew to close the Regular Meeting of the Eden Town Board and open the Public Hearing at 8:00 p.m.; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

8:00 P.M.

**Legal Notice
Town of Eden, New York
Public Hearing**

Pursuant to a Motion of the Town Board of the Town of Eden, County Of Erie and State of New York, approved on August 26, 2015, NOTICE IS HEREBY GIVEN of a PUBLIC HEARING to be held by the Eden Town Board at the Eden Town Hall, 2795 East Church Street, Eden, New York at 8:00 p.m. on the 14th day of October, 2015. The purpose of said Public Hearing is for a Special Use Permit as follows:

Proposed change of use from restaurant to a single-family dwelling .
8159 N. Main Street, Eden, New York.

At the hearing, all interested parties shall be given an opportunity to be heard.

Supervisor Nellis stated that the purpose of the Public Hearing was to give the residents present an opportunity to be heard.

The following residents spoke in favor of the Special Use Permit:

Phil Muck, Oakland Drive, Eden, NY

The following residents spoke in opposition of the Special Use Permit:

There were none.

Supervisor Nellis read the following recommendations from the Eden Planning Board:

“The Planning Board of the Town of Eden completed its required reviews at its September 29, 2015 meeting under the Code, including consideration of the elements of Section 225-46(A), and hereby provides the following input for consideration by the Town Board:

1. We understand that, as lead agency, the Town Board is in the process of conducting the required SEQRA reviews, including a 239m referral as necessary.

2. We further understand that the Town Board has scheduled a hearing for October 14, 2015 to receive public comments on the application of Mr. Ford for a Special Use Permit (SUP) to return the above referenced premises to its original residential use.
3. Based on our review, the Planning Board has determined that the submitted Preliminary Survey/Site Plan is in substantial compliance with the Bulk Requirements of the Town Code for similar property uses in nearby zones.
4. We have no issues with the proposed concept of returning this property back to its original residential use.
5. If the Special Use Permit is granted by the Town Board, the applicant will need to obtain final Site Plan approval by the Planning Board.
6. The Planning Board has no recommendation regarding any additional conditions to be added to any SUP that the Town Board may grant.

The Planning Board of the Town of Eden respectfully submits this recommendation for the Ford Special Use Permit to the Town Board for their consideration when determining whether a Special Use Permit will be granted for this site and use.

Respectfully submitted, Mark Agle, Eden Planning Board Chairman.”

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

MOTION was made by Councilman McLaughlin to close the Public Hearing and open the Regular Meeting of the Eden Town Board at 8:10 p.m.; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis asked if the Town Board was prepared to vote on the Special Use Permit for 8159 N. Main Street, upon which the following motion was offered;

MOTION was made by Councilman Ventry to approve the Special Use Permit for Thomas and Jennifer Ford at 8159 N. Main Street, Eden, New York to return the property at 8159 N. Main Street, Eden, New York from a restaurant to a single family dwelling; subject to obtaining a final Site Plan approval by the Eden Planning Board. This Special Use Permit will not require a periodic renewal; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

4. Approval of Resolution for Town Court Grant Application

Supervisor Nellis read the following resolution:

**RESOLUTION
AUTHORIZING APPLICATION FOR FUNDS
FROM THE 2015-2016 JUSTICE COUR ASSISTANCE PROGRAM**

RESOLVED, the Eden Town Board hereby authorizes Town Justice Michael Cooper to file an application for the following items from the New York State Office of Court Administration 2015-2016 Justice Court Assistance Program (JCAP) Grant:

| | |
|--|------------|
| Five Executive Leather chairs for the Court Room | \$5,695.00 |
| Video Surveillance | \$8,695.00 |
| Television for Court Room | \$1,371.99 |

MOTION was made by Councilwoman Pew to approve the Application for Funds from the 2015-2016 Justice Court Assistance Program (JCAP) Grant for the above-mentioned items; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

5. Approve Recreation Department purchase of new pickup truck and plow subject to Permissive Referendum

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Supervisor Nellis read the following resolution:

RESOLUTION AUTHORIZING SUPERVISOR GLENN R. NELLIS TO EXPEND FUNDS FROM THE RECREATION EQUIPEMTN RESERVE FUND OF THE TOWN OF EDEN, SUBJECT TO PERMISSIVE REFERENDUM.

The Town Board of the Town of Eden, duly convened in regular session, does hereby resolve pursuant to the provisions of Section 6-c of the General Municipal Law of the State of New York that the Town Supervisor of the Town of Eden be and is hereby authorized and directed to appropriate a sum not to exceed \$30,000.00 from the Recreation Equipment Reserve Fund of the Town of Eden for the purpose of purchasing a new and unused 4 x 4 pickup truck and plow.

This resolution shall be subject to a permissive referendum, as permitted by law.

BY ORDER OF THE GOVERNING BODY OF THE TOWN OF EDEN, NEW YORK.

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

6. Setting of Public Hearing for Community Development Block Grant Program

MOTION was made by Supervisor Nellis to set the Public Hearing for the Community Block Grant Program for October 28, 2015 at 7:45 p.m. at the Eden Town Hall; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor's Report:

- Volunteer Drivers are needed immediately for Eden Senior Citizens Transportation Service.
- Second Annual Halloween Parade sponsored by the Eden Chamber of Commerce will be held on Saturday, October 24, 2015 at 1:00 p.m.
- Halloween will be on Saturday, October 31, 2015 from 5:00 p.m. – 8:00 p.m.
- AARP Driving School will be held on October 22, 2015 from 9:00 a.m. – 4:00 p.m.

Hearing of Visitors:

Phil Muck, Oakland Drive, stated that political signs are being removed from residences.

Adjournment:

MOTION was made by Councilman Ventry 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 8:20 P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk