

December 9, 2015

**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
DECEMBER 9, 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:**

Ronald C. Maggs	-	Superintendent of Highways
Michael J. Felschow	-	Chief of Police
Matthew Colvin	-	Eden Fire Chief
Scott Hunter	-	East Eden Fire Chief
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.

**Presentation:**

The Town Board presented Glenn Nellis, Supervisor with a plaque for his service to the Town of Eden since 1998 as Town Supervisor with thanks and appreciation.

**Approval of Minutes:**

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of November 12, 2015; there were none.

**MOTION** was made by Councilman Ventry to approve the Town Board Minutes of November 12, 2015 as presented; seconded by Councilman McLaughlin; 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>
SF915.2 Fire Bldg Maint. Reserve	SF34104. Fire Contractual	Patching and Asbestos testing Eden Fire Hall roof	\$2,785.00
SF915.2 Fire Bldg. Maint. Reserve	SF34104. Fire Contractual	Furnace Repair at Eden Fire Hall	\$6,330.00
A8540.4 Drainage- Contractual	A8540.1 Drainage Personal	Off-Road Drainage Meeting Minutes budgeted in contractual	\$75.00
A1990.4 Contingent Fund	A3620.1 Safety Insp. Personal	Hamburg Code Enforcement Svcs.	\$2,000.00
A899.1 Restricted Fund Balance – EMS	A4540.4 Ambulance Contractual	Prior Heart Monitor Purchase	\$18,000.00
A5010.4 Hwy. Supt. Contractual	A5010.1 Hwy. Supt. Personal	Year End Payroll Accrual	\$115.00
A7520.4 Historic Preservation Contractual	A7510.4 Historian Contractual	Unused portion of budget for use by Town Historian on Archival Projects	\$470.00
A915.6 Assigned – Non Recreation	A7510.4 Historian Contractual	Use of Community Foundation Grant for Historical office archival projects	\$1,650.00
A2192 Cemetery	A8810.1 Cemetery-Personal	Costs association with burial at North Evans Cemetery	\$140.00
A2192 Cemetery Svcs.	A8810.4 Cemetery- Contractual	Costs association with burial at North Evans Cemetery	\$445.00

**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.

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

<b>From Account</b>	<b>To Account</b>	<b>Reason for Amendment</b>	<b>Amount</b>
D5120.2	D5110.4 General Repairs	Budget Adjustment	\$6,000.00
D5120.4	D5130.4	Budget Adjustment	\$6,000.00

**MOTION** was made by Councilman Krycia to approve the Budget Transfers/Amendments for the Highway Department 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	767-853	\$266,783.70
Highway Dept. Fund	318-357	\$136,203.99
Fire Dept. Fund	254-273	\$11,134.55
Recreation Dept. Fund	144-155	\$6,645.43
Refuse and Garbage Fund	21	\$38,436.58
Street Lights Fund	30-32	\$5,006.71
Water Fund	36-37	\$231.00
Trust & Agency Fund	--	--
Capital Fund		
H3410.2		
H8320.402		
H8302.403		
H8320.404		
H8320.405	2	\$51,360.14
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 November 2015 were presented by Matthew Colvin, Eden Fire Chief; Scott Hunter, East 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 Mark Clark, Zoning Code Enforcement Officer; Supervisor Nellis for Susan Brass, Recreation Director; Councilwoman Pew for Robert Pietrocarlo, Chairman Board of Assessors. All reports are on file in the Town Clerk’s office.

Matthew Colvin, Eden Fire Chief requested permission to apply for the next round of FEMA grants if they determine there is an item they can qualify for under the guidelines of the grant. If awarded a grant there is a 10% match component.

**MOTION** was made by Councilwoman Pew to give permission to the Eden Fire Department to apply for a grant, if granted would be a 10% match component for the Town of Eden; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Matthew Colvin, Eden Fire Chief requested that 20 sets of used and out of date turn-out gear be labeled as surplus to be disposed of.

**MOTION** was made by Councilman Ventry to approve the request to dispose of 20 sets of used and out of date turnout gear to be labeled as surplus at the convenience of the Eden Fire Department; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Scott Hunter, East Eden Fire Chief requested approval of three (3) line officers for the East Eden Fire Company, Inc.:

- |                   |                                 |
|-------------------|---------------------------------|
| Scott Hunter      | Chief                           |
| Aaron Brind’Amour | 1st Assistant Chief             |
| Rick Kirst        | 2 <sup>nd</sup> Assistant Chief |

**MOTION** was made by Councilwoman Pew to approve the above-mentioned changes to the roster of the East Eden Fire Company, Inc.; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Scott Hunter, East Eden Fire Chief requested the addition of Marie Brehm and Val Ziminsky to the roster of the East Eden Fire Company, Inc. They have passed their background and arson investigations.

**MOTION** was made by Councilwoman Pew to approve the addition of Marie Brehm and Val Ziminsky to the roster of the East Eden Fire Company, Inc.; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

William Trask, Town Attorney reported that he has had discussions with the attorney of a property owner near the East Eden Fire Hall for a proposal to obtain access, either through a purchase or lease, for space for use as a parking lot near the East Eden Fire Hall. Also, Mr. Trask has spoken to Scott Hultquist, Director of Operations for the Eden Emergency Squad regarding the specs and request to go to bid for the purchase of a new ambulance.

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

Supervisor Nellis opened the Public Hearing of the Eden Town Board at 8:00 p.m.

**8:00 p.m.**  
**Public Hearing**  
**Renewal of Special Use Permits**

- 1. Norman Brenner Gravel Pit 2. Cazenovia Recovery Resources 3. St. John’s Church/Eden KinderCare 4. Crown Castle – Telecommunications Tower – Mammoser Property 5. SBA Towers II – Telecommunications Tower, North Main Street 6. Henrich – Airstrip 7. Gorecki – Dog Grooming/Boarding 8. Schreiber – Mini Self-Storage Facility 9. Minekime – Caretaker/Watchman Dwelling Unit 10. Upstate Cellular Network, d/b/a Verizon Wireless 11. Rainer and Pamela Sticht – Dog Kennel 12. Meagan Coggins – Cat Kennel**

Supervisor Nellis explained the purpose of the public hearing is to give the residents an opportunity to speak.

The following persons spoke and asked questions regarding the renewal of Special Use Permits:

There were none.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the Public Hearing at 8:07 p.m.

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

**New and Unfinished Business:**

**1. Eden Vet Clinic Lease Agreement Renewal**

Supervisor Nellis read the following Agreement:

**DOG SHELTER LEASE AGREEMENT**

This lease agreement made and entered this 1<sup>st</sup> day of January 2016 , by and between the following named herein referred to as:

The Eden Veterinary Clinic, 8217 N. Main Street, Eden, New York 14057 (“EVC” or “lessor”); and

The Town of Eden, 2795 E. Church Street, Eden, New York 14057 (“Town of Eden” or “lessee”).

Whereas, the lessor owns and operates the Eden Veterinary Clinic and the lessee desires to lease the shelter and pound facilities of EVC pursuant to Section 114 of the Agriculture and Markets Law of the State of New York.

**THE PARTIES AGREE AS FOLLOWS:**

1. Lessor hereby leases to lessee, through the Town Dog Control Officer (DCO) or his assistant, non-exclusive use of the dog kennel facility at the Eden Veterinary Clinic for a current annual fee of \$3,750.00, for the 2016 calendar year for purposes of sheltering and caring for dogs taken into custody by the Town DCO.
2. All dogs placed in the shelter by the town will be provided food, water and basic care by lessor for the redemption period as hereinafter provided. Furthermore, lessor agrees to provide all maintenance and repair to the shelter facilities as may be necessary.
3. When required, the DCO may authorize special additional services for dogs that require emergency surgery and/or medical treatment prior to owner notification. It is understood that the cost of such services will be paid by the owner or licensee of the dog.
4. A dog with expired rabies must be updated by the Eden Veterinary Clinic doctors before that dog can leave the kennel. The fee for the rabies inoculation will be incurred by the owner.
5. Humane euthanasia will be provided to dogs deemed not adoptable, or which have severe injuries or health conditions that would cause undue suffering or pain. Such euthanasia and group burial shall be arranged by the DCO and Town shall be responsible for the cost incurred for the same.
6. The lessor agrees to hold harmless and indemnify the Town of Eden and any other facility owner, and their respective agents, officers and employees, from any loss, claims, suits claiming damage to persons or property, defense and other legal costs and expenses of any kind, arising out of, resulting from, caused by, or in any way related to the conditions at or operations aspects of the shelter space leased to the Town. Lessor shall maintain, at all times during the lease term and for a period of at least three (3) years following termination of this lease agreement one or more policies of liability insurance containing such coverage’s as may be required by the Town, naming Town as an additional insured.
7. This agreement shall commence on the 1<sup>st</sup> day January, 2015 and shall continue through the 31<sup>st</sup> day of December, 2015 and be renewed in one-year extensions at per diem rate.
8. This agreement may be terminated by either party upon thirty (30) days written notice, or sooner by the Town, for good cause shown. In the event of such termination, the annual fee payable hereunder shall be prorated and appropriate adjustments in payment shall be promptly made.

**MOTION** was made by Councilman McLaughlin to approve the Dog Shelter Lease Agreement with an annual fee of \$3,750.00 as presented and authorize Supervisor Nellis

to sign such agreement; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**2. Second Monthly Town Board Meeting on Tuesday, December 29<sup>th</sup> at 7:30**

**MOTION** was made by Councilman Ventry to set the second monthly meeting of the Eden Town Board for Tuesday, December 29, 2015 at 7:30 p.m. at the Eden Town Hall; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**3. Standard Workday Resolution**

Supervisor Nellis read the following Resolution and noted that the document is required by the NYS Retirement System:

**BE IT RESOLVED** that the Town of Eden/Location code 30505, hereby establishes the following as a standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees’ Retirement System based on the time keeping system records or the record of activities maintained and submitted by these officials to the clerk of this body.

**MOTION** was made by Councilwoman Pew to accept the Standard Workday Resolution; seconded by Councilman McLaughlin; All “Ayes”; Opposed?-None; Abstain?- None; Motion carried.

**4. Action on Special Use Permits**

Supervisor Nellis requested approval of the Special Use Permits as follows:

1. Norman Brenner Gravel Pit
2. Cazenovia Recovery Resources
3. St. John’s Church/Eden KinderCare
4. Henrich – Airstrip
5. Gorecki – Dog Grooming/Boarding
6. Schreiber – Mini Self-Storage Facility
7. Minekime – Caretaker/Watchman Dwelling Unit
8. Rainer and Pamela Sticht – Dog Kennel
9. Meagan Coggins – Cat Kennel

**MOTION** was made by Councilman Ventry to approve the above-mentioned Special Use Permits as presented; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis requested approval of the Special Use Permits as follows:

10. Crown Castle-Telecommunications Tower – Mammoser Property
11. SBA Towers II – Telecommunications Tower - N. Main Street
12. Upstate Cellular Network, d/b/a Verizon Wireless

**MOTION** was made by Councilwoman Pew to approve the above-mentioned Special Use Permits subject to compliance with all special permit conditions and verified by the Code Enforcement Officer; seconded by Councilman Ventry; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

Note: A copy of the Existing Conditions is available in the Town Clerk’s office.

**5. Resignations/Appointments**

Supervisor Nellis read the following Resignations/Appointments:

The Planning Board hereby makes the following unanimous recommendations for appointment for the year 2016:

William Mahoney – Chairman of the Planning Board  
Frank Meyer, D.D.S. – Permanent Member of the Planning Board

**MOTION** was made by Councilwoman Pew to approve the appointments of William Mahoney – Chairman of the Planning Board and Frank Meyer, D.D.S. – Permanent Member of the Planning Board, based on the unanimous recommendation of the Planning Board; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis received a verbal resignation from Robert Stievater, Eden Conservation Board effective immediately.

**MOTION** was made by Councilman Ventry to accept the verbal resignation of Robert Stievater, Eden Conservation Board with thanks and appreciation for time served; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis received a written resignation from Darci Hultquist as a part-time dispatcher for the Eden Police Department effective December 1, 2015.

**MOTION** was made by Councilman Ventry to accept the resignation of Darci Hultquist as a part-time dispatcher for the Eden Police Department effective December 1, 2015 with thanks and appreciation for time served; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis received the following appointments from Michael Felschow, Chief of Police:

Ricky Johnson as a part-time Public Safety Dispatcher for the Eden Police Department at a rate of \$11.70 per hour due to prior experience and Robert Braeuner as a part-time Police Officer for the Eden Police Department, effectively immediately.

**MOTION** was made by Councilwoman Pew to approve the appointments of Ricky Johnson as part-time Public Safety Dispatcher at a rate of pay of \$11.70 per hour due to prior experience and Robert Braeuner as part-time Police Officer for the Eden Police Department, effectively immediately; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**6. Inter-municipal Snow Removal and Ice Control Agreement**

Supervisor Nellis received correspondence from William Geary, Erie County Deputy Commissioner, Public Works, Erie County Highways Division regarding the Second Amendment to Erie County 2013-2016 Inter-municipal Snow Removal and Ice Control Agreement, Doc #13-849-PW. The Agreement will serve to modify the County Lane Miles (LM), a decrease of 2.62 LM, for which the Town of Eden shall no longer be responsible during the 2015-2016 snow season as negotiated by your Highway Superintendent and our District Engineer. This agreement will also serve to decrease the payment to the Town accordingly.

**MOTION** was made by Councilwoman Pew to approve the amendment to the Inter-municipal Snow Removal and Ice Control Agreement with the County of Erie and to authorize Glenn R. Nellis, Supervisor to execute the same; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

December 9, 2015

**Hearing of Visitors:**

Joe Klug – regarding the apartments behind Shurfine.

**Adjournment:**

**MOTION** was made by Councilman McLaughlin 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 8:30 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