

June 8, 2016

**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
JUNE 8, 2016  
7:30 P.M.**

**TOWN BOARD MEMBERS PRESENT:**

MELISSA HARTMAN	-	SUPERVISOR
RICHARD S. VENTRY	-	COUNCILMAN
MARY LOU PEW		COUNCILWOMAN
SUSAN WILHELM	-	COUNCILWOMAN
MICHAEL BYRNES	-	COUNCILMAN

**DEPARTMENT HEADS PRESENT:**

Stephen Waldvogel	-	Town Engineer
Ronald C. Maggs	-	Superintendent of Highways
Michael J. Felschow	-	Chief of Police
Matthew Colvin	-	Eden Fire Chief
Scott Hunter	-	East Eden Fire Chief
Robert Pietrocarlo	-	Chairman Board of Assessors
Ray Zabron	-	Dog Control Officer

**OTHERS PRESENT:**

William Trask	-	Town Attorney
Mary Jo Hultquist	-	Town Clerk

**Call to Order:**

Supervisor Hartman called the Regular Meeting of the Eden Town Board to order at 7:30 P.M.

**Pledge of Allegiance:**

Supervisor Hartman led the assembly in the Pledge of Allegiance to the flag. A moment of silence was observed for the deceased members of the community for the month of May, 2016.

**Approval of Minutes:**

Supervisor Hartman asked if there were any additions or corrections to the Town Board Minutes of May 11, 2016; there were none.

**MOTION** was made by Supervisor Hartman to approve the Town Board Minutes of May 11, 2016 as presented; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Hartman asked if there were any additions or corrections to the Town Board Minutes of May 25, 2016; there were none.

**MOTION** was made by Supervisor Hartman to approve the Town Board Minutes of May 25, 2016 as presented; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Petitions:**

There were none.

**Budget Transfers/Amendments:**

Supervisor Hartman read the following Budget Transfers/Amendments:

<b>From Account</b>	<b>To Account</b>	<b>Reason for Amendments</b>	<b>Amount</b>
D878.2 Highway Equipment Reserve	D5130.2 Machinery-Equipment	Use of Equipment reserve to purchase 2016 Pickup Truck as approved with Permissive Referendum	\$29,851.68
A899.1 Ambulance Insurance Recovery	A4540.2 Ambulance-Equipment	Use of Revenue Recovery for Radios in new ambulance	\$2,266.16

**MOTION** was made by Supervisor Hartman to approve the Budget Transfer/Amendments as presented; seconded by Councilwoman Pew; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

**Audit Bills:**

Supervisor Hartman 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	319-382	\$51,872.46
Highway Dept. Fund	138-162	\$72,666.41
Fire Dept. Fund	110-125	\$8,602.00
Recreation Dept. Fund	54-75	\$8,410.46
Refuse and Garbage Fund	10	\$2,265.00
Street Lights Fund	13-15	\$4,308.87
Water Fund	15-24	\$80,998.23
Trust & Agency Fund	--	--
Capital Fund H8320.406	5	\$9,906.00
Community Development	--	--

**MOTION** was made by Supervisor Hartman to approve the Audit of Bills as presented; seconded by Councilman Ventry; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

**Departmental Reports:**

Department reports for the month of May, 2016 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 Hartman for Mark Clark, Zoning Code Enforcement Officer; Supervisor Hartman for Susan Brass, Recreation Director; Robert Pietrocarlo, Chairman Board of Assessors and Supervisor Hartman for Joe Ghosen, GIS Consultant. All reports are on file in the Town Clerk’s office.

Ron Maggs, Highway Superintendent, as Chairman of the Off-Road Drainage Committee, recommending the following projects:

1. Project 2016-02: Ackerman Property, to clean the ditch, from the road heading west for approximate 400' at a cost not to exceed \$1,600.

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**MOTION** was made by Councilman Ventry to approve Project 2016-02 as presented; seconded by Supervisor Hartman; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

2. Project 2016-03: Mowing, to include miscellaneous mowing of off-road drainage ways throughout town at a cost not to exceed \$2,000.

**MOTION** was made by Supervisor Hartman to approve Project 2016-03 as presented; seconded by Councilwoman Wilhelm; All “Ayes”; Opposed? - None; Abstain? -None; Motion carried.

3. Project 2016:04: Preischel/East Eden Road, to contribute up to \$1,200 toward the cleaning of the ditch and installing of 300' of pipe, payable upon completion.

**MOTION** was made by Councilman Ventry to approve Project 2016-04 as presented; seconded by Councilwoman Wilhelm; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

**New and Unfinished Business:**

1. **Approval of on-year contract extension with Waste Management and the Town of Eden**

Supervisor Hartman read the following resolution:

**RESOLUTION  
FOR THE TOWN OF EDEN  
TO ENTER INTO A ONE (1) YEAR RENEWAL CONTRACT  
WITH WASTE MANAGEMENT OF NY LLC  
EFFECTIVE JANUARY 1, 2017**

**WHEREAS**, on December 29, 2011, the Town of Eden entered into a three (3) year contract with Waste Management of NY LLC for the Collection, Hauling and disposal of Mixed Municipal Solid Waste and Specified Items and Materials and the Collection, Hauling and Processing of Recyclables, which expired on December 31, 2014; and

**WHEREAS**, said contract document allows the Town, at its sole discretion, to renew this contract for up to three (3) additional (1) year terms; and

**WHEREAS**, on September 9, 2015, the Town of Eden approved the second one (1) year extension of the original contract with amendments pertaining to Waste Management of NY LLC providing the Town of Eden with quarterly itemized reports on weights of Municipal Solid Wastes and Recyclables hauled and disposed of and also Waste Management of NY LLC providing reimbursement to the Town of Eden for all recyclable materials collected, based on a blended value formula, which is commodity based and market driven, which extension with amendments expired December 31, 2016.

**WHEREAS**, after several conversations with Waste Management, the Town desires to renew our current contract.

**NOW, THEREOFRE, BE IT RESOLVED**, that the Eden Town Board hereby agrees to renew its contract with Waste Management of NY LLC, as amended on September 9, 2015 for a third one (1) year period commencing January 1, 2017.

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

**NOTE:** Supervisor Hartman stated that the Town may be looking to increase the size of the recycle tote with the possibility of a grant to assist with that project.

**2. Approval of GHD Contract Amendment**

**MOTION** was made by Supervisor Hartman to approve the Contract Amendment to GHD Consulting Services, Inc. based on additional scope of work in the Total Amendment Amount of \$196,700.00; seconded by Councilman Ventry; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

**3. Approval to Declare Surplus Equipment/Auction**

Supervisor Hartman read correspondence from Susan Brass, Recreation Director, requesting the Town Board declare the following item surplus equipment and advertise for Auction, based on the recommendation of the Eden Recreation Advisory Board:

1992 Ford F 350 Cab

**MOTION** was made by Supervisor Hartman to declare the 1992 Ford F 350 Cab surplus equipment and advertise for Auction; seconded by Councilwoman Pew; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

Supervisor Hartman read correspondence from Ron Maggs, Highway Superintendent requesting the Town Board declare the following item surplus equipment and advertise for Auction:

2008 Chevrolet Pickup  
Vin #2GCEC13CX8111745

**MOTION** was made by Councilwoman Pew to declare the 2008 Chevrolet Pickup surplus equipment and advertise for Auction; seconded by Supervisor Hartman; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

Supervisor Hartman read correspondence from Michael Felschow, Chief of Police requesting the Town Board declare the following item surplus equipment and advertise for Auction:

2010 Ford Crown Victoria Police Interceptor  
Vin #2FABP7BV8AX104542

**MOTION** was made by Councilwoman Pew to declare the 2010 Ford Crown Victoria Police Interceptor surplus equipment and advertise for Auction; seconded by Councilman Byrnes; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

**4. Approval of bids for sealing of the parking lots located at the Municipal Lot, Swartz Field and the East Eden Fire Hall**

Supervisor Hartman read the following bid results:

	<b>Municipal Lot</b>	<b>E. Eden Fire Hall</b>	<b>Swartz Field</b>	<b>Total</b>
Palmieri Paving	\$1,389.00	\$1,389.00	\$1,389.00	\$4,167.00
Land - On	\$1,210.00	\$640.00	\$1,200.00	\$3,050.00
Ballou Paving	0	0	0	0

**MOTION** was made by Supervisor Hartman to award the bid to Land-On, based on the recommendation of Ron Maggs, Highway Superintendent, the low bidder, in the amount of \$3,050.00; seconded by Councilwoman Pew; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

**5. Resolution to approve expenditure for streetlight transfer from pole #123 to #124 on Route 62**

Supervisor Hartman read the following resolution:

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**RESOLUTION OF THE EDEN TOWN BOARD  
MOVING STREET LIGHTS ON MAIN STREET**

**WHEREAS**, the Eden Town Board has received a request to increase the lighting on Route 62 over the crosswalk located near the Eden Boys and Girls Club and Eden Elementary School; and

**WHEREAS**, upon review by National Grid, it was determined that the street light on pole #123, Route 62 can be moved to pole #124, Route 62 at the cost to the town of \$258.30 for a customer convenience charge.

**NOW, THEREFORE, IT IS RESOLVED**, that the Eden Town Board does hereby approve this light change, effective June 8, 2016.

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

**6. Approve Resolution rejecting all bids on water project**

Supervisor Hartman read the following resolution:

**RESOLUTION OF EDEN TOWN BOARD  
DATED JUNE 8, 2016  
REJECTING ALL BIDS ON WATER PROJECT**

**WHEREAS**, the Eden Town Board previously authorized advertising for bids for Water System Tank and Pump Station Improvements (hereinafter "Project"), and

**WHEREAS**, on May 26, 2016, bids were received, opened and reviewed by Eden's Engineer, GHD, and

**WHEREAS**, upon close examination of the bids between the two lowest bidders for both the General (Contract No. 1) and Electrical (Contract No. 2) Construction, it was determined that certain portions of the bidding specifications for Women and Minority Business Enterprises were inadvertently left in the bid specifications, possibly contributing to a wide price disparity between the 2 lowest bidders and raising the prospect for confusion during the bid award process and resulting in professional recommendations to re-bid the project, and

**WHEREAS**, upon additional review and consideration of other major construction projects currently ongoing in the Buffalo/WNY region it was felt that prospects for obtaining more favorable bidding results and cost savings would be enhanced by delaying the re-bid to a later date.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that the Eden Town Board does hereby reject all bids received for the Water System Improvement Project and it is further

**RESOLVED**, that said project will be re-bid at a later date to be set by further action of the Town Board.

**MOTION** was made by Councilman Ventry to approve the resolution as presented; seconded by Supervisor Hartman; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

## **7. Workers Compensation Comparison**

Supervisor Hartman stated that after consulting with Ron Miller, Evans Agency it was in the best interest of the Town to consider changing to NY Comp Alliance from the current NYSIF. It would include the same coverage as in the past and a cost savings to the Town.

**MOTION** was made by Supervisor Hartman to name NY Comp Alliance as the new Workers Compensation carrier commencing July 1, 2016 through June 30, 2017 at a cost of \$147,041.00; seconded by Councilwoman Wilhelm; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

### **Supervisor’s Report:**

- 10 local businesses are participating in the Erie County Facade Program with construction beginning in the fall.
- Applied for the Technical Assistance Grant for 2017 for the Central Business District.
- Funding found through Paul DiLorenzo for the update to the Comprehensive Plan
- Mortgage tax update - \$10,318.66, higher than last year.

### **Hearing of Visitors:**

Ray Klein, Maple Avenue, concerned about the condition of the property at 8522 N. Main Street and if the Town could do anything. Supervisor Hartman stated that the Erie County Health Department has been contacted and the property owners were facing fines.

### **Adjournment:**

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

Supervisor Hartman adjourned the Regular Meeting of the Eden Town Board at 8:23 P.M.

**MOTION** was made by Supervisor Hartman to adjourn to Executive Session at 8:23 P.M.; seconded by Councilman Ventry; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

**MOTION** was made by Supervisor Hartman to return to the Regular Meeting of the Eden Town Board at 9:12 P.M.; seconded by Councilman Byrnes; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

**MOTION** was made by Supervisor Hartman to increase the hours of Lisa Winter from 37 hours per week to 40 hours per week at the rate of \$22.17 per hour; seconded by Councilwoman Pew; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

**MOTION** was made by Supervisor Hartman to increase the hours of Diane Herzog, Part-time Seasonal Clerk, from 19 hours per week to 30 hours per week, adding an additional 11 hours to the Building Department, making a total of 25 hours worked in the Building Department and 5 hours worked in the Supervisor’s office at the rate of \$13.60 per hour, not to exceed 20 weeks, and to be reviewed at the 16<sup>th</sup> week, one month prior to when the 20 weeks would expire; seconded by Councilman Byrnes; All “Ayes”; Opposed? - None; Abstain? -None; Motion carried.

**MOTION** was made by Supervisor Hartman to return to Executive Session at 9:15 P.M.; seconded by Councilman Ventry; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

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**Executive Session:**

Supervisor Hartman adjourned the Executive Session of the Eden Town Board Meeting at 10:20 P.M.

Respectfully submitted by,

Mary Jo Hultquist  
Town Clerk