

February 8, 2012

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
FEBRUARY 8, 2012
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:

Dave Johnson	-	Town Engineer
Ronald C. Maggs	-	Superintendent of Highways
Michael J. Felschow	-	Chief of Police
Jack Rigley	-	Eden Fire Chief
Andrew Breier	-	East Eden Fire Chief
Robert Pietrocarlo	-	Chairman Board of Assessors
Scott Henry	-	Code Enforcement Officer
Susan Brass	-	Recreation Director
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 January 11, 2012; there were none.

MOTION was made by Councilman McLaughlin to approve the Town Board Minutes of March 14, 2007 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
SW9710.7 Bond Interest	SW9730.7 BAN Interest	Reclassification of BAN Interest per audit	\$73,485.72
D909 Fund Balance	D5110.401 Maintenance of Roads - FEMA	FEMA Projects For Year	\$57,773.84
A9010.8 State Retirement	A9089.4 Employee Benefits	FICA Adjustment	\$3,948.84
2012 A1990.4 Contingent Fund	2012 A3120.4 Police –Contractual	Emergency battery back-up equipment	\$379.98

MOTION was made by Councilman Ventry to approve the Budget Transfers/Amendments as presented; seconded by Councilwoman Pew; 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	21-87	\$59,681.96
Highway Dept. Fund	4-32	\$62,232.83
Fire Dept. Fund	3-21	\$6,532.27
Recreation Dept. Fund	1-6	\$4,040.51
Refuse and Garbage Fund	1-2	\$36,828.59
Street Lights Fund	1	\$4,686.90
Water Fund	1-2	\$5,203.93
Trust & Agency Fund	--	--
Capital Fund H8320.401	--	--
Community Development	--	--

2011 Payables

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	828-848	\$7,611.77
Highway Dept. Fund	398-399	\$2,274.79
Fire Dept. Fund	283-288	\$2,591.20
Recreation Dept. Fund	161-165	\$627.47
Refuse and Garbage Fund	--	--
Street Lights Fund	35-36	\$918.60
Water Fund	38-39	\$487.83
Trust & Agency Fund	--	--
Capital Fund H3410.2	34	\$131.25
Community Development	--	--

MOTION was made by Councilwoman Pew to approve the Audit of Bills as presented; seconded by Councilman Krycia; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

Departmental Reports:

Department reports for the month of January 2012 were presented by Jack Rigley, Eden Fire Chief; Andrew Breier, East Eden Fire Chief; Michael Felschow, Eden Police Chief; Ray Zabron, Dog Control Officer; Ronald Maggs, Superintendent of Highways; Dave Johnson, Town Engineer; William Trask, Town Attorney; Mary Jo Hultquist, Town Clerk; Scott Henry, Zoning Code Enforcement Officer; Susan Brass, Recreation Director; Robert Pietrocarlo, Chairman Board of Assessors. All reports are on file in the Town Clerk's office.

Andrew Brier, East Eden Fire Chief read the following list of Firematic Officers for 2012:

Chief-Andrew Brier
First Assistant Chief-Rick Kirst
Second Assistant Chief-Chris Brind' Amour
Captain-Chris Enser
First Lieutenant-Arron Brind' Amour
Second Lieutenant-Marie Armstrong
Communication Officer – David Schreiber
Safety Officer-Rick Kirst

The social officers for 2012 are as follows:

President John McCarthy
Vice President-Ed Blaze
Secretary-Joy Wendell
Treasurer-Marie Armstrong

MOTION was made by Councilwoman Pew to accept the new officers for the East Eden Fire Department as presented; seconded by Councilman Ventry; All "Ayes" Opposed? - None; Abstain? - None; Motion carried.

Ron Maggs, Highway Superintendent requested the Town Board set a bid opening date for Motor Fuels and Related Services for Tuesday, March 6, 2012 at 10:00 a.m. in the Town Clerk's Office.

MOTION was made by Councilwoman Pew to set the bid opening date for Motor Fuels and Related Services for Tuesday, March 6, 2012 at 10:00 a.m. in the Town Clerk's office; seconded by Councilman Ventry; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Ron Maggs, Highway Superintendent requested \$20,000 from the Equipment Reserve Account D9950.9, as per their Capital Expenditures Request, for the purchase of a new 20-Ton Equipment Trailer, subject to Permissive Referendum.

Supervisor Nellis read the following resolution:

RESOLUTION AUTHORIZING SUPERVISOR GLENN R. NELLIS TO EXPEND FUNDS FROM THE HIGHWAY CAPITAL (EQUIPMENT) 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 \$20,000.00 from the Highway Capital (Equipment) Reserve Fund of the Town of Eden for the purpose of purchasing one new 20-Ton Equipment Trailer.

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

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

Mary Jo Hultquist, Town Clerk requested permission to attend the New York State Town Clerk’s Association annual conference in Saratoga Springs, New York from April 22, 2012 to April 25, 2012.

MOTION was made by Supervisor Nellis to approve the attendance to the New York State Town Clerk’s Association annual conference in Saratoga Springs, New York from April 22, 2012 to April 25, 2012; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

New and Unfinished Business:

1. Approval of Police Contract

This item was moved to “Old Business” to be reviewed and discussed at a future Town Board Meeting.

2. Approval of specifications for new fire truck – Eden Fire Department – set bid opening date

MOTION was made by Supervisor Nellis to approve the specifications for a new fire truck for the Eden Fire Department and set the date of February 29, 2012 at 11:00 a.m. in the Town Clerk’s Office for the bid opening; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

8:00 p.m.

Public Meeting

Repair of 2408 New Jerusalem Road

Supervisor Nellis stated that a Notice and Order to Remove or Repair the unsafe building and Notice of Hearing had been sent to Mr. Matonti, owner of the property at 2408 New Jerusalem Road.

Mr. Trask, Town Attorney has been in contact with Mr. Matonti’s attorney and the intention is to demolish the building, but is requesting 30-days for the insurance company to inspect the property.

Scott Henry, Code Enforcement Officer stated that he has been in contact with Mr. Matonti and his intention is to demolish the building.

Supervisor Nellis requested that a time-table be established.

Mr. Trask, Town Attorney is working with Mr. Matonti and his attorney on the time-table and that they will properly demolish the structure.

3. Status of Water Projects

Mark Cavacoli, representing CRA Infrastructure and Engineering stated that the Pump Station on Shadagee Road has been operational for 2-weeks, which is required by Erie County Water Authority. The Authority has met with the contractors and all requirements have been satisfied so they can now proceed with the installation process. They will begin the process on Shadagee Road on Monday, February 13, 2012 and within approximately two weeks begin on March Road and Ferrier Road.

Mr. Cavacoli expressed his thanks to the Town Board and everyone involved for their commitment to the project, one of the most difficult projects to date.

Paul Soverign, representing the Eden Bog Trotters, 2600 March Road made a request to the Town Board to consider the expense that they have incurred due to the lengthy process of Water District No. 5 to be reimbursed \$662.32 for use of a portable toilet facility.

Mr. Cavacoli stated that along with the Town Attorney and Town Board would review his request.

4. Resignation/Appointment of Part-Time Police Officers

Supervisor Nellis read correspondence from Michael Felschow, Chief of Police requesting approval to accept the resignation of part-time Police Officers, Richard Rogers and Michael Rakiiecki.

MOTION was made by Councilwoman Pew to accept the resignations of part-time Police Officers Richard Rogers and Michael Rakiiecki, with thanks for their years of service to the Town of Eden; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis read correspondence from Michael Felschow, Chief of Police requesting approval to appoint Samuel Beiter and Ryan Young as part-time Police Officers.

MOTION was made by Councilman Krycia to appoint Samuel Beiter and Ryan Young as part-time Police Officers, based on the recommendation of Michael Felschow, Chief of Police; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

5. Approval of Use of Eden Town Hall for elections

Supervisor Nellis read correspondence from Commissioners Ralph Mohr and Dennis Ward requesting the use of the Eden Town Hall as a polling site for the Presidential Primary to be held on April 24, 2012, the Primary Election, TBD and the General Election on November 6, 2012.

MOTION was made by Supervisor Nellis to approve the use of the Eden Town Hall for a polling site for the above-mentioned elections; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

6. Eden Library Annual Report 2011

Patricia Smith, President of the Eden Library Board presented the 2011 Eden Library Annual Report to the Eden Town Board. Councilman Krycia, as Town Board liaison highlighted some of the events and activities of the Eden Library.

7. Appointment to Conservation Board

Supervisor Nellis received correspondence from Lamont Beers, Chairman of the Eden Conservation Board requesting the appointment of Barbara Huntoon for a 2-year period beginning immediately and ending on 12/31/13.

MOTION was made by Supervisor Nellis to appoint Barbara Huntoon to a 2-year term to the Eden Conservation Board, based on the recommendation of Lamont Beers, Chairman of the Conservation Board; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

8. Resolution – Un-funded Mandates

Supervisor Nellis read the following resolution:

MANDATE RELIEF RESOLUTION

WHEREAS, the Town of Eden urges the State Legislature and Governor Cuomo to fulfill their promise to provide significant mandate relief by gradually taking over the local share of Medicaid by supporting and passing bipartisan bill S.5889-B and A864; and

WHEREAS, in most of the 50 states Medicaid is financed almost exclusively with state and federal tax dollars, in New York State, approximately 30% of the non-federal cost of

Medicaid is paid through local taxes. In Erie County our taxpayers pay at least 85% of the local property tax toward Medicaid; and

WHEREAS, with the recently enacted 2% cap on property taxes, towns, villages and counties simply cannot continue to meet this state mandate without slashing other essential local services, such as senior services, veteran's services, law enforcement, parks and road maintenance.

WHEREAS, New York State property taxpayers are paying the highest taxes in the Nation, State lawmakers can fund the takeover with a combination of Medicaid program reforms, state-derived savings, applying Medicaid Redesign Team reform savings to mandate relief and pursuing a federal Medicaid waiver to leverage state cost containment as well as by allowing federal health care reforms to cover New Yorkers; and

BE IT RESOLVED that Governor Andrew M. Cuomo and the State Legislature be encouraged to give this issue top priority and a sense of urgency as we approach upcoming legislative sessions and budget considerations.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Governor Andrew M. Cuomo, State Majority Leader Dean Skelos and Minority Leader John Sampson, Assembly Speaker Sheldon Silver and Majority Leader Ron Canestrari and Minority Leader Brian Kolb and the Western New York Delegation.

MOTION was made by Supervisor Nellis to adopt this resolution as presented; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis read the following resolution:

HIGHWAY SIGNAGE RESOLUTION

WHEREAS, the Town of Eden urges Governor Andrew M. Cuomo and the State Legislature to exempt the Municipalities of Erie county from the Federal Highway Administration's latest Uniform Traffic Control Devices (UTCD) National Standard for Street Signs, as adopted by the State of New York; and

WHEREAS, this would apply only to local roads within the municipal jurisdictions within the State of New York; and

WHEREAS, these regulations in effect create another unfounded mandate by the State of New York and serve no advantage to State motorists; and

WHEREAS, Congressman Brian Higgins has also expressed his concern about unreasonable and unwarranted new mandates relative to signage; and

WHEREAS, per state law, the State of New York automatically adopts whatever changes the FHWA makes to the "Manual on Uniform Traffic Control Devices"; and

THEREFORE BE IT RESOLVED the Town of Eden requests the State of New York cease this practice and adopt only those FHWA traffic control standards that create no hardship on local government; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Congressman Brian Higgins, Governor Andrew M. Cuomo, Senate Majority Leader Dean Skelos and Minority Leader John Sampson, Assembly Speaker Sheldon Silver and Majority Leader Ron Canestrari and Minority Leader Brian Kolb and the Western New York Delegation.

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

February 8, 2012

Hearing of Visitors:

Jim Leiffer – speeding on Mary Drive and in East Eden

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 8:45 P.M.

Executive Session:

Supervisor Nellis adjourned the Executive Session of the Eden Town Board Meeting at 10:30 P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk