

March 14, 2012

MINUTES

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

Ronald C. Maggs	-	Superintendent of Highways
Michael J. Felschow	-	Chief of Police
Jack Rigley	-	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 February 8, 2012; there were none.

MOTION was made by Councilman Ventry to approve the Town Board Minutes of February 8, 2012 as presented; seconded by Councilman McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of February 22, 2012; there were none.

MOTION was made by Councilman Ventry to approve the Town Board Minutes of February 22, 2012 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
A1990.4 Contingent Fund	A1680.4 Central Data Processing – Cont.	Additional Payable put over budget	\$800.00

MOTION was made by Councilwoman Pew to accept 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	88-184	\$108,364.17
Highway Dept. Fund	33-72	\$50,999.71
Fire Dept. Fund	22-51	\$66,074.20
Recreation Dept. Fund	8-16	\$4,923.19
Refuse and Garbage Fund	3-4	\$36,994.24
Street Lights Fund	2-4	\$5,316.45
Water Fund	3-5	\$5,945.86
Trust & Agency Fund	--	--
Capital Fund		
H3410.2	1	\$453.04
H8320.401	2-6	\$201,274.35
H8320.402	1-2	\$31,435.77
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.

2011 Payables

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	849	\$800.00
Highway Dept. Fund	--	--
Fire Dept. Fund	--	--
Recreation Dept. Fund	--	--
Refuse and Garbage Fund	--	--
Street Lights Fund	--	--
Water Fund	40	\$270.42
Trust & Agency Fund	--	--
Capital Fund		
H8329.402	32-34	\$18,479.96
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 February 2012 were presented by Jack Rigley, 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; 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.

Jack Rigley, Eden Fire Chief requested adding Jason Kryszak to the active roster of the Eden Fire Department pending a physical and background check.

MOTION was made by Councilwoman Pew to add Jason Kryszak to the active roster of the Eden Fire Department pending a physical and background check; seconded by Councilman Ventry; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Ron Maggs, Highway Superintendent requested declaring the 1986 Fiat Allis, FR15B Wheel Loader (Vin #590270) surplus to be sold at auction.

MOTION was made by Councilman Krycia to declare the 1986 Fiat Allis, FR15B Wheel Loader (Vin #590270) surplus to be sold at auction; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Ron Maggs, Highway Superintendent requested permission to assist with the traveling Vietnam Wall coming to Eden in July, at his discretion.

MOTION was made by Councilwoman Pew to give permission to Ron Maggs to assist with the traveling Vietnam Wall coming to Eden in July, at his discretion; seconded by Councilman McLaughlin; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

New and Unfinished Business:

1. Update on Water Projects – Shadagee Road/Water District #5

Mark Cavacoli reported that the closing of the Ban for the Consolidated Water District & Water District 1, 2, 3, 3A & 4 (Shadagee Road and Route 62) was held on March 13, 2012. Mr. Cavacoli also reported that there are 5 properties on Shadagee Road to complete, then on to March and Ferrier Roads. The entire project should be completed in 6-8 weeks.

2. Review of Bid on New Fire Truck for Eden Fire Company

Jack Rigley reported that one (1) bid had been received for the new pumper Truck for the Eden Fire Company from Sutphen Corp. in the amount of \$452,188.00. Much discussion ensued regarding the extending warranties and several different payment options. A decision on the warranty will be made at the March 28, 2012 Town Board Meeting.

MOTION was made by Supervisor Nellis to award the bid to Sutphen Corp. for the purchase of the new pumper truck for the Eden Fire Company in the amount of \$452,188.00; seconded by Councilman McLaughlin; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

3. Review of Bid on New Radios for Fire Companies as required by County Emergency Services

Supervisor Nellis read the following resolution:

RESOLUTION AUTHORIZING SUPERVISOR GLENN R. NELLIS TO EXPEND FUNDS FROM THE FIRE DISTRICT 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 \$46,900.00 from the Fire District Capital (Equipment) Reserve Fund of the Town of Eden for the purpose of Purchasing Fifteen (15) new Mobile Fire Radio Units under State Contract Pricing.

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

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

4. Hiring of part-time Fire District Clerk

Jack Rigley, Eden Fire Chief presented the Town Board with a proposed job Description for the Town of Eden Fire District Clerk. After much discussion this item was moved to “Old Business” to be reviewed and discussed at a future Town Board Meeting.

5. Resolution of Support- Land Bank for Erie County

Supervisor Nellis read the following resolution:

**RESOLUTION IN SUPPORT OF A
LAND BANK IN ERIE COUNTY**

WHEREAS, the Erie County Department of Real Property Tax Services has determined that there are in excess of 73,360 tax liens within Erie County with more than \$53,529,325 in taxes owed to Erie County; and

WHEREAS, this situation is particularly troublesome in the Cities of Buffalo, Lackawanna and Tonawanda as well as in the Towns of Amherst and Cheektowaga; and

WHEREAS, other towns and villages are also struggling with vacant and abandoned properties; and

WHEREAS, Erie county and its member municipalities have recognized the need to address the growing county-wide issue of tax delinquent, vacant, abandoned, and foreclosed properties; and

WHEREAS, similar problems exist in many areas of New York State; and

WHEREAS, in July 2011 in recognition of this growing problem, New York State passed the Land Bank Act, as Article 16 of the New York State Not-for-Profit Corporation Law, which authorizes any foreclosing governmental unit (FGU) to create a land bank to return tax delinquent, vacant, abandoned and foreclosed properties to productive use; and

WHEREAS, county-wide land banks have proven highly successful in Michigan, Ohio and other regions experiencing growing numbers of problem properties by successfully returning properties to productive use; and

WHEREAS, the County Executive, the Department of Environment and Planning and Department of Real Property Tax Services are seeking ways to work collaboratively with Erie County Municipalities to address this issue; and

WHEREAS, the newly adopted state law establishes a competitive process to allow municipalities to create land banks but will only permit the formation of 10 land banks throughout New York State, with no more than five land banks being approved with the first round of applications due to Empire State Development (ESD) on March 30, 2012; and

WHEREAS, at the January and February 2012 meetings of the Association of Erie County Governments the issue of establishing an Erie County land bank to address the

growing problem of vacant properties was raised and discussed at great length and appropriate resolution was unanimously passed by the municipalities in attendance to create such a land bank; and

WHEREAS, County Executive mark Poloncarz tasked the County’s Department of Environment and Planning and the County’s Real Property Tax Department to establish a land bank working group with representatives from any interested municipality, along with representatives from the Association to work collaboratively on an application to ESD by March 30.

NOW, THEREFORE BE IT RESOLVED that the Town of Eden joins Erie County and the Association of Erie County Governments in recognizing the dire need to address the growing vacant and abandoned housing crises in Erie County; and be it further

RESOLVED that the Town of Eden supports the creation of a land bank as an essential strategy in dealing with the vacant property crisis in Erie County; and be it further

RESOLVED that the Town of Eden supports the creation of a land bank by Erie County as Erie County is the Foreclosing Government Unit for most of the municipalities; and be it further

RESOLVED that certified copies of this resolution shall be forwarded to the Erie County Executive; the Commissioner of the Department of Environment and Planning; the Erie County Director of the Department of Real Property Tax Services; and County Comptroller; the County Attorney; the Director of the Division of Budget and Management; and the Erie County Legislature.

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

6. Approval of Bid on Motor Fuels and Related Services

Ron Maggs, Highway Superintendent recommended awarding the Motor Fuels and Related Services bid to Griffith Energy, being the only bidder. The bid results are as follows:

No-Lead Gas	\$3.3170
Diesel Fuel	\$3.6198
Winter Mix	\$3.6941
Hourly Rate	no charge

MOTION was made by Councilwoman Pew to award the fuel bid to Griffith Energy, based on the recommendation of Ron Maggs, Highway Superintendent; seconded by Councilman Ventry; All “Ayes”; Opposed? - None; Abstain? – None; Motion carried.

7. Approval of Police Dispatcher

Supervisor Nellis read correspondence from Michael Felschow, Eden Police Chief regarding the resignation of Robert Clancy as part-time police dispatcher.

MOTION was made by Councilwoman Pew to accept the resignation of Robert Clancy as part-time police dispatcher, with thanks for his 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, Eden Police Chief regarding the approval to appoint Stanley J. Janus to part-time police dispatcher.

MOTION was made by Councilwoman Pew to appoint Stanley J. Janus to part-time police dispatcher; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

8. Approval of Summer Recreation Positions

Supervisor Nellis read correspondence from Susan Brass, Recreation Director stating that all 2012 summer employment applicants have been reviewed. It is with their unanimous recommendation that the applicants listed on the 2012 Summer Staff Assignments be appointed at the salaries and positions listed, which is on file in the Town Clerk's office.

MOTION was made by Councilman Ventry to approve the 2012 Summer Staff Assignments as recommended by the Recreation Advisory Board; seconded by Councilman McLaughlin; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

9. Ratify phone vote regarding payment to M.L. Smith Construction

Supervisor Nellis read the following:

Per the recommendation of the Town of Eden Attorney, Mr. William Trask, I hereby move that the Town of Eden release funds in the amount of \$30,000.00 to ML Smith Construction Inc. for Town of Eden Water District No. 5 project, subject to and condition upon ML Smith Construction using the funds in accordance with their Indemnity Agreement with CIC (Cincinnati Insurance Company).

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

10. Confirm position of part-time caretaker

MOTION was made by Supervisor Nellis to set the rate of pay for Jim Schintzius, the official caretaker for the Eden Evergreen Cemetery at \$17.50 per hour and \$60.00 for each cremation/burial and Mr. Schintzius is to report his hours to Supervisor Nellis; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

11. Appointment to Conservation Board

Supervisor Nellis read correspondence from Lamont Beers, Chairman of the Eden Conservation Board recommending the appointment of Catrina Scott to the Conservation Board for a 2-year term beginning immediately and ending on 12/31/2013.

MOTION was made by Supervisor Nellis to appoint Catrina Scott to the Conservation Board for a 2-year term beginning immediately and ending on 12/31/2013; seconded by Councilman Ventry; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor's Report:

- Received annual water quality report from Erie County Water Authority

Hearing of Visitors:

Paul Sovereign
Mike Bolo

Adjournment:

MOTION was made by Councilwoman Pew 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 9:10 P.M.

March 14, 2012

Executive Session:

Supervisor Nellis adjourned the Executive Session of the Eden Town Board Meeting at 11:30 P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk