

May 13, 2009

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
MAY 13, 2009
7:30 P.M.**

TOWN BOARD MEMBERS PRESENT:

GLENN R. NELLIS - SUPERVISOR
MARY LOU PEW - COUNCILWOMAN (*Deputy Supervisor*)
EDWARD KRYCIA, JR - COUNCILMAN
VINCENT V. VACCO - COUNCILMAN
RICHARD S. VENTRY - COUNCILMAN

DEPARTMENT HEADS PRESENT:

Ronald C. Maggs - Superintendent of Highways
Michael J. Felschow - Chief of Police
Chris Colvin - Eden Fire Chief
Andrew Breier - East Eden Fire Chief

OTHERS PRESENT:

William Trask - Town Attorney
Mary Jo Hultquist - Town Clerk
Anna M. Knack - 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 April 8, 2009; there were none.

MOTION was made by Councilman Ventry to approve the Town Board Minutes of April 8, 2009 as presented; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Petitions:

There were none.

Budget Transfer/Amendments:

From Account	To Account	Reason for Amendment	Amount
SW884 Reserve for Debt	SW9730.7 BAN interest	Offset interest money earned on BAN against interest payment due at maturity	\$82,091.33
A1900.4 Contingent-Contract	A3310.4 Traffic Control	Additional road signs needed over what was budgeted for	\$1,300.00
A2700 Misc. Income	A4540.4 Squad	Reimbursed from Eden Athletic Association for first aid kits	\$40.00
SW909 Water Fund Balance	SW3 9710.7 WD#3 Bond Int.	Shortage in Budgeted Bond Interest	\$74.38

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A8793 Police Sick Pay	A3120.1 Police-Personnel	Transfer reserve to payroll for Pat Howard's retirement compensation	\$56,456.83

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.

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	209-275	\$43,896.41
Highway Dept. Fund	94-126	\$63,058.11
Fire Dept. Fund	82-111	\$14,265.23
Recreation Dept. Fund	34-48	\$8,749.94
Refuse and Garbage Fund	4-7	\$94,834.81
Street Lights Fund	7-9	\$4,701.16
Water Fund	11-16	\$8,864.31
Trust & Agency Fund	--	--
Capital Fund H8320.4	1-3	\$200,400.00
Community Development	--	--

MOTION was made by Councilwoman Pew 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 2009 were presented by Councilwoman Pew for Scott Hultquist, Eden Emergency Squad; Chris Colvin, Eden Fire Chief; Andrew Breier, 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 Scott Henry, 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.

Chris Colvin, Eden Fire Chief requested the addition of Mark Gardner to the active roster of the Eden Fire Department pending a physical and arson background check.

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

Chris Colvin, Eden Fire Chief and Andrew Breier, East Eden Fire Chief stated that they would be applying for a Department of Homeland Security Grant, not for radios as previously requested, but for Thermal Imaging Camera and S.C.B.A's for the Eden Fire Department and new turn-out gear and Thermal Imaging Camera for the East Eden Fire Department, not to exceed a matching cost of \$7,200.00 for each department.

MOTION was made by Councilman Vacco to allow the Eden Fire Department and the East Eden Fire Department to apply for the 2009 FEMA Grant, not to exceed a matching cost of \$7,200.00 for each department; seconded by Councilman Ventry; All "Ayes"; Opposed? - None; Abstain? – None; Motion carried.

Supervisor Nellis read the following resolution:

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WHEREAS, the Town of Hamburg, Eden and Boston Fire Departments/Companies have entered into an agreement to support the submission of a FEMA Grant for Communication Equipment specifically, P-25 radios for the calendar year 2009.

THEREFORE, a resolution has been made and passed at the monthly business meeting of the Eden Town Board held on Wednesday, May 13, 2009 that hereby agrees to pay, if awarded their share of matching funds to the Lead Agent, which has been designated as The Hamburg Volunteer Fire Department Inc.

FURTHERMORE, a certified copy of this resolution will be sent to The Hamburg Volunteer Fire Department Inc. and the undersigned agree to submit our share of the matching funds to within 30 days after the date of request.

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

Mike Felschow, Police Chief requested permission to use the Town Hall parking lot for the Bike Rodeo on June 6, 2009 from 10:00 a.m. to 2:00 p.m.

MOTION was made by Councilwoman Pew to grant permission to Chief Felschow to hold the Bike Rodeo on June 6, 2009 in the Town Hall parking lot; seconded by Councilman Ventry; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

Mike Felschow, Police Chief publicly thanked Kim Soda, Police Clerk for obtaining a grant to purchase a License Plate Reader for Car I.

Ron Maggs, Highway Superintendent requested permission to attend the annual Highway School in Ithaca, New York on June 1-3, 2009.

MOTION was made by Councilwoman Pew to grant permission to Ron Maggs, Highway Superintendent to attend Highway School in Ithaca, New York on June 1-3, 2009; seconded by Councilman Ventry; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

Ron Maggs, Highway Superintendent requested permission to assist the Boys and Girls Club of Eden with Brindley Trail, located behind the Boys and Girls Club, which sustained weather damage, for a work detail at his discretion.

MOTION was made by Councilwoman Pew to grant permission to Ron Maggs, Highway Superintendent to assist the Boys and Girls Club of Eden at his discretion; seconded by Councilman Vacco; All "Ayes"; Opposed? – None; Abstain? - None; Motion carried.

Ron Maggs, Highway Superintendent requested permission to assist the Sons of the Legion on the Legion grounds with drain tile work at his discretion.

MOTION was made by Councilman Vacco to grant permission to Ron Maggs, Highway Superintendent to assist the Sons of the Legion with drain tile work at his discretion; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

William Trask, Town Attorney read the following resolution:

RESOLUTION
Authorizing Revenue Recovery Services Agreement between
Certified Ambulance Group and Eden Emergency Squad Inc.
And Requiring Waiver of Co-Payments and Deductibles for Eden Residents

WHEREAS, the Eden Emergency Squad provides ambulance, emergency medical and rescue services to the Town of Eden pursuant to an annual Contract, and

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WHEREAS, it is the mutual desire of the Town of Eden and the Eden Emergency Squad to recoup costs of ambulance transportation and other services as allowed by insurance companies under rules and regulations of Medicare part B, Medicaid, private insurance carriers, HMOs, and other benefit entitlement programs through the establishment of a Revenue Recovery Program, and

WHEREAS, the Town Board conducted a public hearing on the issue of instituting a Revenue Recovery Program at which comments were received by the Board and such comments were favorable toward establishing such a program and the Eden Emergency Squad has requested the consent of the Town of Eden to enter into an Agreement with Certified Ambulance Group to establish and administer such a Revenue Recovery Program since the Town will be a third-party beneficiary of such Agreement, and

WHEREAS, Certified Ambulance Group has the knowledge, expertise, and experience to manage the billing and handling of provided services to the public served by the Eden Emergency Squad and Certified Ambulance Group will work with the Eden Emergency Squad to apply for provider numbers and EDI authorization from benefit entitlement providers in addition to managing accounts and making program recommendation, and

WHEREAS, reports given to Certified Ambulance Group will indicate services were rendered to a subscriber or non subscriber so appropriate billing can be conducted as allowed by the laws of NYS and the divisions of CMS, and

WHEREAS, various opinions of the Office of Inspector General of the United States of America have opined that a municipality may contract for ambulance services and direct that collection of insurance co-payments and deductibles of municipal residents be waived by the ambulance provider if the municipality reimburses the ambulance provider in an amount reasonable calculated to reimburse the ambulance provider for the amount of such co-payments and deductibles from Town residents, and

WHEREAS, the Town of Eden intends that a portion of the annual payments made by the Town to the Eden Emergency Squad pursuant to the aforesaid Contract constitute an amount reasonably calculated to cover a waiver of collection of insurance co-payments and deductibles from Town residents utilizing the services of the Eden Emergency Squad, and

NOW, THEREFORE BE IT RESOLVED that the Town of Eden acknowledges and consents to the Revenue Recovery Program to be entered into by the Eden Emergency Squad with Certified Ambulance Group as their agent with respect to the presented services agreement which shall include and incorporate the contract addendum required by the Town and the Town further directs that such Revenue Recovery Program shall include a waiver of co-payments and deductibles from Town of Eden residents.

MOTION was made by Councilman Vacco to adopt the resolution to be in agreement and give consent to Certified Ambulance Group and to require the waiver of co-pays; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Ray Zabron, Dog Control Officer requested permission to attend a seminar relating to Dog Control in Webster, New York on June 2 and 3, 2009.

MOTION was made by Supervisor Nellis to grant permission to Ray Zabron to attend the seminar on June 2 and 3, 2009 in Webster, New York; seconded by Councilman Vacco; All "Ayes"; Opposed? - None; Abstain? – None; Motion carried.

Councilwoman Pew reported for Robert Pietrocarlo that Grievance Day would be held on Wednesday, May 27, 2009 from 6:00 p.m. to 10 p.m. in the Conference Room in the Town Hall.

New and Unfinished Business:

1. Ratifying sponsorship of John Hach to the Police Academy

Michael Felschow, Police Chief requested sponsorship of John Hach to the Police Academy. Mr. Hach is currently qualified to perform duties as part-time police officer.

MOTION was made by Councilwoman Pew to sponsor John Hach to the Police Academy and to appoint him as part-time police officer; seconded by Councilman Ventry; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

2. Approval of Porto-Potties – Recreation

Supervisor Nellis read correspondence from Susan Brass, Recreation Director regarding quotes received for the Portable Sanitation Services for the 2009 season. The Eden Recreation Advisory Board received two quotes and are requesting the Town Board award Ball Toilet & Septic Services, which was the low quote at \$2,040.98.

MOTION was made by Nellis to award the bid to Ball Toilet & Septic Services at the amount of \$2,040.98; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? - None; Motion carried.

3. Presentation by auditors – 2008 Annual Town Audit

Supervisor Nellis introduced Wayne Drescher and Brian Juskiewicz representing Drescher & Malecki, Certified Public Accountants. Mr. Juskiewicz gave a brief presentation regarding the Comprehensive Annual Financial Report for the fiscal year ended December 31, 2008. Supervisor Nellis publicly thanked Ann Knack, Administrative Assistant, Lisa Winter, Bookkeeper and Diane Herzog for their assistance. This report will be on file in the Town Clerk’s office.

4. Update of Shadagee Road Water Projects

Stephen Waldvogel reported that positive comments have been received on the design concepts and pipe projects on Shadagee Road and Route 62. Final comments on the pump station have not been received. Mr. Waldvogel stated that there are two items of significance that will involve the disruption of Shadagee Road and Route 62. This project, which encompasses the improvements along Route 62, will include 13 inter-connections between the new line and the existing water main throughout the hamlet. He then discussed the possibility of boring or crosscutting and the advantages of both.

The Shadagee Road water main, particularly in the Town of Evans, several feet of pipe near Southcreek Road is very constrained. Positive discussions are continuing with the Erie County Highway Department and the final design is expected by early June.

Mark Cavacolli, CRA Infrastructure and Engineering presented the Final Project Summary Report and Project Documentation for the Southwest Erie County Regional Water Project prepared for New York State Department of State, Shared Municipal Services Incentive Grant Program. This is a 2-year study regarding water concerns and issues on behalf of the Towns of Eden (Lead Agency), Brant, Collins, and North Collins, and the Villages of Angola and North Collins. This document is on file in the Town Clerk’s office.

5. Approval of Itemized Fire Equipment Bids

Chris Colvin, Eden Fire Chief and Andrew Breier, East Eden Fire Chief requested the Town Board’s approval for the 2009 Itemized Fire Equipment Bids. The Eden Fire Department is requesting \$15,029.03 and the East Eden Fire Department is requesting \$14,999.11. Copies of the bid results are available at the Town Clerk’s office.

MOTION was made by Councilman Vacco to approve \$15,029.03 for the 2009 Itemized Fire Equipment bid for the Eden Fire Department and \$14,999.11 for the 2009 Itemized Fire Equipment bid for the East Eden Fire Department; seconded by Councilwoman Pew; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

6. Creation of 2nd Historian Position – Erie County Personnel Rule Requirement

Supervisor Nellis stated that only (1) one position is authorized through Erie County Personnel and the second Historian Position needs to be created.

MOTION was made by Supervisor Nellis to create a second Historian Position, after appointing Susan Minekime and R. Ferris Randall as Co-Historians; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? - None; Motion carried.

7. Approval of low quote for replacement carpeting – Eden Police Department

Supervisor Nellis read correspondence from Michael Felschow, Police Chief regarding the replacement of carpet in the Police Department. Two quotes were received and Chief Felschow is recommending the low quote from Decorator Carpets at a total of \$2,782.27.

MOTION was made by Supervisor Nellis to approve the low quote of \$2,782.27 to Decorator Carpets to replace the carpet in the Police Department; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? - None; Motion carried.

8. Reappointment – Alternate – Zoning Board of Appeals

Supervisor Nellis read correspondence from the Zoning Board of Appeals recommending C. William Carpenter as an Alternate Zoning Board Member. This position is appointed on a yearly basis.

MOTION was made by Councilwoman to appoint C. William Carpenter as an Alternate Zoning Board Member for a 1-year term; seconded by Councilman Ventry; All “Ayes”; Opposed? - None; Abstain? – None; Motion carried.

9. Nussbaumer & Clarke – review of East Eden Fire Hall

Supervisor Nellis requested authorization to hire Nussbaumer & Clarke, Town Engineers to update and review the condition of the East Eden Fire Hall with a total cost not to exceed \$2,500.00, based on a written proposal from Nussbaumer & Clarke. The estimated cost for repairs or demolition should be received by June 9, 2009.

MOTION was made by Supervisor Nellis to authorize Nussbaumer & Clark, Town Engineers to review the condition of the East Eden Fire Hall with a total cost not to exceed \$2,500.00 with said report due to the Town Board by June 9, 2009; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? - None; Motion carried.

Supervisor’s Report:

- May 29, 2009 meeting with Legislator Bob Reynolds and Dave Boehm, Erie County Highway regarding the portion of the water project in the Town of Evans.
- Set-up a Public Hearing regarding the Farmland Protection Plan.

Hearing of Visitors:

Joe Klug, 7700 Bley Road

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Adjournment:

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

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board at 9:25 P.M.

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