

December 8, 2010

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
DECEMBER 8, 2010
7:30 P.M.**

TOWN BOARD MEMBERS PRESENT:

GLENN R. NELLIS	-	SUPERVISOR
MARY LOU PEW	-	COUNCILWOMAN
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
Rick Kirst	-	East Eden Fire
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 7:40 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 November 10, 2010; there were none.

MOTION was made by Councilman Ventry to approve the Town Board Minutes of November 10, 2010 as presented; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Petitions:

There were none.

Budget Transfers/Amendments:

From Account	To Account	Reason for Amendment	Amount
A1355.1 Assessors Personal	A1355.4 Assessors Contractual	Overbudget	\$1,000.00
A1640 Ambulance Charges	A4540.4 Ambulance Contractual	Apply money received toward anticipated expenses through December 31,2010	\$12,000.00
A2115 Planning Fees	A8020.4 Planning Contractual	Offset Planning Fees Received against Contractual	\$1,000.00
SF909 Fire Fund Balance	SF9950.9 Transfer to Capital	Engineering Work for Repair of East Eden Fire Hall	\$4,192.90

Budget Transfer – Highway Department:

DATE	FROM	TO	DESCRIPTION	AMOUNT
12-8-2010	D909	D5110.4	FEMA Expenses	\$33,604.15

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	680-733	\$45,979.15
Highway Dept. Fund	339-363	\$55,062.90
Fire Dept. Fund	223-238	\$3,060.00
Recreation Dept. Fund	145-152	\$24,562.55
Refuse and Garbage Fund	--	--
Street Lights Fund	29-31	\$4,880.51
Water Fund	27-28	\$5,068.87
Trust & Agency Fund	--	--
Capital Fund		
H3410.4	11-20	\$4,192.20
H8320.401	40	\$200.00
Community Development	--	--

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

Departmental Reports:

Department reports for the month of November 2010 were presented by Rich Greeley, 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.

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Supervisor Nellis introduced John Kobielski, Sales Auditor for Lime Energy, an energy-consulting firm. Mr. Kobielski gave a presentation regarding the program that National Grid is offering to small business and governments to reduce the cost of lighting their buildings by replacing all old light fixtures/bulbs. National Grid will pay 70% of the total with money that is funded by the SBC charge that is on everyone's monthly bill, but approval is needed tonight as the program ends on 12/31/2010. Mr. Kobielski, along with Bob Stickney, surveyed all the buildings in the Town of Eden and came up with the following costs:

Town Hall, which includes the Eden Fire Department and Eden Emergency Squad Building, at a cost of \$7,351.06, with 24 months to pay.

Highway Department at a cost of \$3,434.29, with 24 months to pay.

After much discussion the following motion was offered:

MOTION was made by Supervisor Nellis to approve the proposal from Lime Energy to replace all light fixtures/bulbs in the Town Hall at a cost of \$7,351.06 and the Highway Department at a cost of \$3,434.29 subject to review by William Trask, Town Attorney; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

NOTE: William Trask, Town Attorney verified with Mr. Kobielski that prevailing wages is reflected in the price and that Lime Energy is the sole source, which makes it exempt from competitive bidding and satisfies the procurement policy.

MOTION was made by Councilman Vacco to close the Regular Meeting of the Eden Town Board for public hearing; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis closed the Regular Meeting of the Eden Town Board at 8:00 p.m.

MOTION was made by Councilman Vacco to open the Public Hearing for Proposed Local Law #3-2010 regulating the licensing and control of dogs in the Town of Eden; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis opened the Public Hearing at 8:00 p.m.

8:00 P.M.
Public Hearing
Proposed Local Law #3-2010
Regulating the licensing and control of dogs in the Town of Eden

Supervisor Nellis explained the purpose of the public hearing was to listen to any concerns of questions that citizens have.

William Trask, Town Attorney, Mary Jo Hultquist, Town Clerk and Ray Zabron, Dog Control Officer explained how the changes of licensing and control of dogs would change with the town's taking over the responsibility from the State of New York.

The following persons spoke or asked questions about the Proposed Local Law:

There were no comments.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the public hearing at 8:15 p.m.

8:30 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. Renee Adams, Commercial Dog Kennel Facility
11. Upstate Cellular Network, d/b/a Verizon Wireless
12. Rainer and Pamela Sticht – Dog 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.

William Trask, Town Attorney stated that if the Town Board approves the Special Use Permits tonight, specifically the towers, it would be subject to confirmation from Scott Henry, Code Enforcement Officer regarding bonds, insurance and structural certifications.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the Public Hearing at 8:40 p.m.

MOTION was made by Councilman Krycia to close the Public Hearing; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

MOTION was made by Councilman Krycia to open the Regular Meeting of the Town Board; seconded by Councilwoman Pew; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

New and Unfinished Business:

1. Set date for End of Year (Re-organizational meeting 12/29/10)

Supervisor Nellis set an end of year, re-organizational meeting for December 29, 2010 at 7:30 p.m. with all Town Board members in agreement.

2. Schedule a public hearing for renewal of Special Use Permit – Schreiber's Coin-operated Laundromat at 8750 S. Main Street (12/29/10 – 8:00 p.m.)

Supervisor requested scheduling a public hearing for renewal of Special Use Permit for Schreiber's coin-operated Laundromat at 8750 S. Main Street for December 29, 2010 at 8:00 p.m., which is a 3-year permit.

MOTION was made by Supervisor Nellis to set the public hearing for December 29, 2010 at 8:00 p.m.; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

3. East Eden Fire Hall – Notice of Estoppel

Supervisor Nellis read the following resolution:

THE BOARD OF FIRE COMMISSIONERS OF EDEN FIRE DISTRICT, IN THE TOWN OF EDEN, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

The bond resolution of this Fire District, entitled:

A BOND RESOLUTION, DATED OCTOBER 13, 2010, OF THE EDEN FIRE DISTRICT, IN THE TOWN OF EDEN, ERIE COUNTY, NEW YORK (THE "FIRE DISTRICT"), AUTHORIZING THE RECONSTRUCTION OF THE FIRE DISTRICT BUILDING LOCATED AT 8097 EAST EDEN ROAD, EDEN, NEW YORK STATING THE ESTIMATED MAXIMUM COST THEREFOR, IS \$800,000, APPROPRIATING SAID AMOUNT THEREOF, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$800,000 OF THE FIRE DISTRICT, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PRUPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY, AND/OR LOCAL FUNDS RECEIVED; DELEGATING THE POWER TO ISSUE SUCH BONDS AND BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE FIRE DISTRICT TREASURER; AND PROVIDING FOR THE LEVY OF A TAX TO BE COLLECTED TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS.

Which was duly adopted by the Board of Fire Commissioners on the date therein referred to and approved as Proposition submitted to the qualified voters at the Special Election duly called and held on November 23, 2010, has now become effective, and the Fire District Secretary is hereby directed to cause said bond resolution to be published, in summary, in The Sun, the official Fire District newspaper, a newspaper published in Hamburg New York, and having a general circulation within the Fire District and hereby designated the official newspaper of the Fire District for such publications, together with a Notice in substantially the form as prescribed by Section 81.00 of the Local Finance Law of the State of New York.

This resolution shall take effect immediately.

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

4. Acceptance of resignation of Teresa Bishop as part-time public safety dispatcher

Supervisor Nellis read correspondence from Mike Felschow, Chief of Police regarding the resignation of Teresa Bishop as part-time public safety dispatcher effective immediately.

MOTION was made by Councilman Vacco to accept the resignation of Teresa Bishop as part-time public safety dispatcher with thanks for her years of service to the Town of Eden; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

5. Recommendation by Chief Felschow to appoint Donald J. Ambrose as part-time public safety dispatcher retroactive to December 4, 2010 at a rate of pay of \$9.94/hour

Supervisor Nellis read correspondence from Mike Felschow, Chief of Police requesting the appointment of Donald J. Ambrose as part-time public safety dispatcher at a rate of pay of \$9.94 per hour retroactive to December 4, 2010.

MOTION was made by Councilwoman Pew to appoint Donald J. Ambrose as part-time public safety dispatcher at a rate of pay of \$9.94 per hour retroactive to December 4, 2010; seconded by Councilman Vacco; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

6. Recommendation of Susan Brass, Recreation Director to appoint Kelly Welstead as Adult Fitness Attendant at a rate of pay of \$575 per session

Supervisor Nellis read correspondence from Susan Brass, Recreation Director

Regarding the appointment of Kelly Welstead as Adult Fitness Attendant at a rate of pay of \$575.00 per session, which includes 16 classes.

MOTION was made by Councilwoman Pew to appoint Kelly Welstead as Adult Fitness Attendant at a rate of pay of \$575.00 per session; seconded by Councilman Ventry; All “Ayes”; Opposed? - None; Abstain? – None; Motion carried.

7. Recommendation of the Recreation Board to award the bid for ski transportation to the Eden Central School District for \$886 per trip

Supervisor Nellis read correspondence from Susan Brass, Recreation Director regarding the recommendation of the Recreation Board to award the bid for ski transportation to the Eden Central School District for \$886.00 per trip.

MOTION was made by Councilwoman Pew to award the bid for ski transportation to the Eden Central School District for \$886.00 per trip; seconded by Councilman Krycia; Ayes? – Nellis, Krycia; Pew, Ventry; Opposed? – None; Abstain? – Vacco (employee of Eden Central School); Motion carried.

8. Settlement Agreement with Verizon of New York, Inc.

William Trask, Town Attorney along with Robert Pietrocarlo, Head Assessor requested phasing in the Verizon requested reduction over the next two (2) years, so Eden does not get hit with a big reduction all at once, changing their assessment in 2011 and 2012, with no tax refunds in 2010.

MOTION was made by Supervisor Nellis to authorize William Trask, Town Attorney to sign as counsel of the Town of Eden the stipulation of settlement with Verizon of New York Inc.; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

9. Renewal of 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. Renee Adams, Commercial Dog Kennel Facility
9. Upstate Cellular Network, d/b/a Verizon Wireless – Swartz Field
10. Rainer and Pamela Sticht – Dog Kennel

MOTION was made by Councilwoman Pew to approve the above-mentioned Special Use Permits subject to confirmation from Scott Henry, Code Enforcement Officer regarding bonds, insurance and structural certifications for the telecommunications towers and all other existing conditions; seconded by Councilman Krycia; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

Supervisor’s Report:

- Day Habilitation and Pre-Vocational Center for adults with development disabilities near the Kazoo Factory is complete and a ribbon-cutting ceremony will be held on December 13, 2010 at 11:00 a.m. An open house will be scheduled sometime in the spring of 2011.
- Main Street water project – the new main is connected, with the temporary line being pulled out. The project should be coming to an end in the next couple of weeks, with resurfacing in the spring of 2011.

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Hearing of Visitors:

Bob Stickney

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 9:15 P.M.

Executive Session:

Supervisor Nellis adjourned the Executive Session of the Eden Town Board Meeting at 10:15 P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk