

July 9, 2014

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
JULY 9, 2014
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
Matthew Colvin - Eden Fire Chief
Rick Kirst - East Eden Fire Department
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 June 11, 2014; there were none.

MOTION was made by Councilman Ventry to approve the Town Board Minutes of June 11, 2014 as presented; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Petitions:

Timothy Brockman, 8436 Randall Place, filed a petition on behalf of himself and his neighbors regarding the parking of boats, trailers, campers, RV’s, etc., in their front yards.

Budget Transfers/Amendments:

From Account	To Account	Reason for Amendment	Amount
A899.1 Assigned – Non Rec	A3120.2 Police Equipment	Portion of funds remaining from 2013 Police budget for use towards	

		Police Car	\$8,006.21
A1990.4 Contingent Fund	A3120.2 Police Equipment	Additional Funds needed for Police Car	\$2,098.00
A1990.4 Contingent Fund	A3120.2 Police Equipment	Additional funds for new furniture/cabinets for 911 system	\$2,652.00
A2705 Gifts & Donations	A1620.4 Town Hall – Contractual	Grant money received for repair of Croops Mill Roof	\$2,479.00
A1990.4 Contingent Fund	A7410.4 Library Contractual	Replace dead battery on Library Generator	\$190.00

MOTION was made by Councilman Krycia to approve the Budget Transfers/Amendments as presented; seconded by Councilman McLaughlin; 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	341-417	\$124,447.49
Highway Dept. Fund	183-208	\$70,411.24
Fire Dept. Fund	140-162	\$45,705.42
Recreation Dept. Fund	61-78	\$6,363.00
Refuse and Garbage Fund	8	\$37,730.24
Street Lights Fund	15-17	\$4,257.76
Water Fund	24-28	\$18,385.64
Trust & Agency Fund	--	--
Capital Fund		--
H3410.2	--	--
H8320.402	--	--
H8320.403	1	\$26,290.41
H8320.404	6	\$9,720.00
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 June 2014 were presented by Matthew Colvin, Eden Fire Chief; Rick Kirst for 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; Susan Brass, Recreation Director; Councilwoman Pew for Robert Pietrocarlo, Chairman Board of Assessors. All reports are on file in the Town Clerk’s office.

New and Unfinished Business:

1. Legislator Mills to discuss County issues and roads

Legislator John Mills announced that the Hot Dog Roast would be held on Wednesday, July 16, 2014 at the Eden Library, all invited to attend.

Legislator Mills then started a discussion regarding the repair of Eden Evans Center Road. It is scheduled to start in early August and would be from the Eden Thruway exit to Derby Road, but he is working with Erie County to get it extended to Route 62 also, another 1.3 miles.

Richard Bray of 2460 W. Church Street stated that the road is terrible, and oil and chipping will not help the situation. He also said that heavy trucks use this road 7 days a week.

Robert Stickney, 2718 Lourdes Drive stated that the road conditions at the corner of Bley Road and Route 62 are also bad and by the railroad tracks on Bley and Belknap Roads. Also, in the County Clerk's office, pistol permits and deed transfers are not being processed in a timely fashion. Leg. Mills stated that Chris Jacobs, Erie County Clerk would be asking for additional personnel in the up-coming budget to address those concerns.

Carl Modica, 2637 Hemlock Road asked if when they reconstruct Eden Evans Center Road, would it be shut down of just a lane restriction? Leg. Mills would look into that, but just assumed that it would be a lane restriction. Also, Mr. Modica stated that Hemlock Road is not suitable for the use of tractor-trailers during the construction, would the traffic be re-routed? Leg. Mills wasn't sure, but would check into that also.

Loren Crowden, 8445 N. Main Street asked if Erie County would be coordinating with other departments, such as utilities, when doing the work on Eden Evans Center Road, and Leg. Mills stated that yes, they would be in contact. Also, Mr. Crowden stated that he read that Erie County is giving roads back to the towns. Leg. Mills stated that it would not be in the best interest of the towns to pursue that.

2. Ron Miller from Evans Agency to discuss NYSDMV LENS Program

Mr. Miller stated that he has been working with the Safety Committee to implement the LENS Program, which is an automated reporting system that allows an employer or organization to receive notifications of certain items, which post to the drivers license record of the persons whom they monitor. Every day LENS reviews the driver license records of your organization and reports changes to your overnight via e-mail. There is no cost to the Town for this service.

Much discussion ensued between the Town Board and Lisa Greiner, Sectary of the Safety Committee regarding who would be monitored, would it include all employees and volunteer drivers also. The Safety Committee is looking for approval from the Town Board to join this program and move forward with the Department Heads getting authorization from their departments.

MOTION was made by Supervisor Nellis to approve the LENS Program and move forward within the departments for authorization; seconded by Councilman Krycia.

Upon being put to the vote, the Motion was declared lost on the advice of William Trask, Town Attorney, for more discussion.

3. Close out Schoolview Drive project

Supervisor Nellis read the following resolution:

**RESOLUTION
TOWN OF EDEN
CLOSING SCHOOLVIEW DRIVE
WATERMAIN REPLACEMENT PROJECT**

WHEREAS, the Eden Town Board has received satisfactory documentation confirming that all work on the Schoolview Drive Water main Replacement Project is completed and

has been accepted upon recommendation of project engineers and the Town of Eden seeks to formally close this project.

NOW, THEREFORE, it is hereby

RESOLVED, that the Eden Town Board does declare the Schoolview Drive Water main Project as “closed”, and it if further

RESOLVED, that the Eden Town Board does hereby report the sum of \$17,206.74 as the balance remaining on the Schoolview Drive Water main Replacement Project to be used for debt, and it is further

RESOLVED, that the Eden Town Supervisor be permitted to sign any required documentation with regard to the closing out of the Schoolview Drive Water main Replacement Project.

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

4. Approval of East Eden Itemized Fire Company Equipment Bids

Rick Kirst for Andrew Breier, East Eden Fire Chief requested the Town Board’s approval for the 2014 Itemized Fire Equipment Bids. The East Eden Fire Department is requesting \$18,158.77. Copies of the bid results are available at the Town Clerk’s office.

MOTION was made by Councilwoman Pew to approve \$18,158.77 for the 2014 Itemized Fire Equipment bid for the East Eden Fire Department; seconded by Councilman McLaughlin; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

5. Approval of purchase of Scott Air Pak Cylinders Carbon Wrap 30 Min. Bottles for East Eden Fire Department, subject to Permissive Referendum

Supervisor Nellis read the following resolution:

RESOLUTION AUTHORIZING SUPERVISOR GLENN R. NELLIS TO EXPEND FUNDS FROM THE FIRE 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 \$9,000.00 from the Fire Equipment Reserve Fund of the Town of Eden for the Purpose of purchasing Scott Air-Pak cylinders Carbon Wrap 30 Min. Bottles.

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 McLaughlin; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

6. Approval of Recyclable amendment to Waste Management contract and one-year extension of contract

Supervisor Nellis read the following resolutions:

AMENDMENT TO THE 2012-2014 CONTRACT BETWEEN THE TOWN OF EDEN AND WASTE MANAGEMENT OF NY LLC

July 9, 2014

With regards to the Contract and Agreement between the Town of Eden and Waste Management of NY LLC dated December 29, 2011, covering the term January 1, 2012 through December 31, 2014 for the Collection, Hauling and Disposal of Mixed Municipal Solid Waste and Specified Items and Materials **and** the Collection, Hauling and Processing of Recyclables, the first full paragraph of Page 11 of the Original Bid Document shall be deleted and replaced with the following two paragraphs, effective January 1, 2015, to read as follows:

The **CONTRACTOR** shall supply the **TOWN** with a separate quarterly itemized report listing the weights of Municipal Solid Wastes and Recyclables hauled and disposed of at their respective Solid Waste Management Facility or MRF during the previous quarter. This list shall include, but not limited to Ferrous Metal Cans, Non-Ferrous Cans, clear Glass, Brown Glass, Green Glass, Plastic containers, Newspapers, Magazines, Corrugated Cardboard and White Goods and must be filed with the **TOWN** by the 15th day of the month following each quarter. At its discretion, the **TOWN** shall have the right to audit the **CONTRACTOR'S** records to verify the accuracy of the periodic reports given to the **TOWN**.

IN addition, by the 15th day of each month, the **CONTRACTOR** will reimburse the **TOWN** for all recyclable materials collected, based on a blended value formula, which is commodity based and market driven. The **TOWN** will receive a 50% share of revenue that is realized after the **CONTRACTOR** applies and deducts their \$67.00/Ton processing costs, provided that the floor rebate/pricing shall not be a negative value, i.e. if the blended market value goes below the \$67.00/ton processing cost, the **TOWN** would not be required to pay the **CONTRACTOR** for its recyclables. There would be no rebate or charge for that month.

MOTION was made by Councilman McLaughlin to approve the Amendment to the 2012-2014 Contract between the Town of Eden and Waste Management of NY LLC; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

**RESOLUTION
FOR THE TOWN OF EDEN TO ENTER INTO
A ONE (1) YEAR RENEWAL CONTRACT
WITH WASTE MANAGEMENT OF NY LLC
EFFECTIVE JANUARY 1, 2015**

WHEREAS, on December 29, 2011, the Town of Eden entered into a three 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 will expire 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 one (1) year terms; and

WHEREAS, after several conversations with Waste Management, the Town is desirous to renew our current contract as amended;

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

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

7. Resolution on Green Street Project – ratifying bid opening, time and place

Councilwoman Pew read the following resolution:

July 9, 2014

**RESOLUTION
TOWN OF EDEN, EDEN TOWN BOARD JULY 9, 2014
RATIFYING BID OPENING, TIME AND PLACE FOR
GREEN STREET/DEPOT STREET WATER PROJECT**

WHEREAS, the Eden Town Board approved a Resolution on June 11, 2014 authorizing advertising of bids on Green Street/Depot Street Water Project; and

WHEREAS, the Town Supervisor has placed such advertisements and legal notices as required to be published and posted for purposes of soliciting bids for the said water project;

NOW, THEREFORE IT IS HEREBY

RESOLVED, that sealed bids and appropriate bid security will be received for opening no later than July 30, 2014 at 10:00 a.m. in the office of the Eden Town Clerk, 2795 East Church Street, Eden, NY.

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

8. CEO Shared Services Agreement

Councilwoman Pew read the following resolution:

**AUTHORIZING RESOLUTION
FOR INTER-MUNICIPAL AGREEMENT
REGARDING CODE ENFORCEMENT OFFICER**

WHEREAS, the Town of Eden and the Town of Hamburg wish to enter into a mutual agreement relative to New York State Code Enforcement Inspections and other services relating to New York State Uniform code and Local Zoning Codes.

WHEREAS, a situation may arise where either municipality may need the assistance of the other municipality's code enforcement officer; and

NOW, THEREFORE BE IT RESOLVED, that the Town of Eden shall enter into an agreement with the Town of Hamburg for such mutual aid and assistance; and

BE IT FURTHER RESOLVED, that either party may cancel this agreement on ninety (90) days advanced written notice; and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to sign the inter-municipal agreement on behalf of the Town of Eden.

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

Discussion:

Attorney Trask stated, for the record, that this agreement is only to be used in rare and extremely unavoidable circumstances, whether the Code Enforcement Officer is full-time or part-time. Erie County Personnel would scrutinize this situation.

Phil Muck, 2763 Oakland Drive asked if the Town of Hamburg employee would become an employee of the Town of Eden, covered under insurance and paid?

Attorney Trask stated that the Town of Eden would reimburse the Town of Hamburg for hours worked.

Mr. Muck stated that it would be unlikely that the Town of Hamburg, with 2-1/2 Building Inspectors would need the services of the Town of Eden's half-time Building Inspector. Then Mr. Muck asked when and under what circumstances would this be needed?

Councilwoman Pew stated that a couple of years a bereavement in the family of the Eden Code Enforcement Officer occurred and there was no backup. She was under the assumption that the State would be the backup, but that is not the case. The Municipal Agreement would handle the situation.

Robert Stickney, 2718 Lourdes Drive stated that in West Seneca during the flooding disaster, the Code Enforcement Office was ill and they had no inspector.

Attorney Trask stated that a medical event could render Mr. Henry, Code Enforcement Officer out of service.

9. Resignation/Appointment – Police Department

Michael Felschow, Eden Chief of Police received letters of resignation from Christopher Schreiber, part-time Police Officer, pursuing other opportunities.

MOTION was made by Supervisor Nellis to accept the resignation of Christopher Schreiber, part-time Police Officer, with thanks and gratitude from the Town Board; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Michael Felschow, Eden Chief of Police requested the appointment of Nathan Miller as part-time Police Officer starting immediately.

MOTION was made by Councilwoman Pew to appoint Nathan Miller as part-time Police Officer, starting immediately; seconded by Councilman Ventry; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

10. Resolution – Henry Farm – Conservation Easement

Supervisor Nellis read the following resolution:

**TOWN OF EDEN
RESOLUTION TO ENDORSE THE HENRY FARM CONSERVATION
EASEMENT PROJECT COMPLETED WITH A FARMLAND PROTECTION
IMPLEMENTATION GRANT FROM NEW YORK STATE**

WHEREAS, the New York State Department of Agriculture and Markets is soliciting applications for the Farmland Protection Implementation Grants (FPIG) to protect farmland with conservation easements resulting from the sale of development rights.

WHEREAS, the Town of Eden adopted an Agricultural & Farmland Protection Plan on August 12, 2009 with the goal of stabilizing the town's agricultural land base,

WHEREAS, one of the three goals identified in the 2009 Eden Agricultural and Farmland Protection Plan is to stabilize the town's agricultural land base and maintain 95% of the current action agricultural land in production through the next ten years and support Eden farmers as stewards of the land and other natural resources in the Town.

WHEREAS, one of the actions identified in the 2009 Eden Agricultural and Farmland Protection Plan is to strive to submit at least one competitive application each year to the New York State Farmland Protection Implementation Grants program to permanently protect farmland in the Town,

WHEREAS, the 2009 Eden Agricultural and Farmland Protection Plan also notes concerns about high conversion pressure in the area where the Henry Farm is located "along U.S. Route 62 ... at the northern edge of Town" and

July 9, 2014

WHEREAS, the Town of Eden desires to co-hold the Henry Farm conservation easement with the Western New York Land Conservancy.

NOW, THEREFORE BE IT RESOLVED:

1. The Town of Eden endorses the Henry Farm conservation easement project and supports the Western New York Land Conservancy's FPIG application to the New York State Department of Agriculture and Markets.

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

11. 2-year Contract – STOP DWI

MOTION was made by Councilwoman Pew to approve STOP-DWI Contract for 2014-2016 with Erie County authorizing the Eden Town Supervisor, Glenn Nellis, to sign said contract and related paperwork; seconded by Councilman McLaughlin; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Hearing of Visitors:

Ray Kline, 2931 Maple Avenue complimented Susan Brass, Recreation Director for the wonderful summer concerts and for the help at the concerts of the staff of the recreation department.

Mr. Kline also suggested that the Town of Eden send correspondence to Erie County for the purpose of the condition of the roads in Eden, as done by the Town of Boston.

Adjournment:

MOTION was made by Councilman McLaughlin to adjourn the Regular Meeting of the Eden Town Board; seconded by Councilman Venty; 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 10:00 P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk