

May 25, 2016

MINUTES

**TOWN BOARD MEETING
2795 EAST CHURCH STREET
EDEN, NEW YORK
MAY 25, 2016
7:30 P.M.**

TOWN BOARD MEMBERS PRESENT:

MELISSA HARTMAN	-	SUPERVISOR
RICHARD VENTRY	-	COUNCILMAN
MARY LOU PEW	-	COUNCILWOMAN
SUSAN WILHELM	-	COUNCILWOMAN
MICHAEL BYRNES	-	COUNCILMAN

OTHERS PRESENT:

Mary Jo Hultquist	-	Town Clerk
Debbie Gregoire	-	Administrative Assistant

Call To Order:

Supervisor Hartman called the Work Session of the Eden Town Board to order at 7:30 P.M.

Pledge of Allegiance:

Supervisor Hartman led the assembly in the Pledge of Allegiance to the flag.

New and Unfinished Business:

1. Presentation by Legislator John Mills

Mr. John Mills, Erie County Legislator and Chairman of Erie County Legislation introduced his Assistant, Nancy Heath. Mr. Mills represents 15 Towns and Villages in Erie County.

Mr. Mills stated that most county roads in Eden will have repairs this season, with surplus funding being available.

Mr. Mills complimented the Town of Eden for the third and four-generation farmers in the town, being very unique in the State and the sophisticated system at the Eden Co-op.

Mr. Mills also stated that dates for the hot dog roast to be held at the Eden Library on July 13, 2016 from 4:30 p.m. to 7:00 p.m. with all proceeds to stay in Eden. Since 2007, \$57,000 has been raised for Libraries in Erie County.

2. Resolution authorizing the signature of the MOU with the ECWA

Supervisor Hartman read the following resolution:

**RESOLUTION ON CONSOLIDATION OF EDEN WATER SYSTEM
INTO ERIE COUNTY WATER SYSTEM**

WHEREAS, on August 12, 2015, the Eden Town Board received and filed the Feasibility Study-Final Report, which includes a description of the required upgrades and estimated costs associated with the potential consolidation of the Town's water system with the Erie County Water Authority (ECWA); and

WHEREAS, the Town has begun the process of designing and construction of the identified improvements; and

WHEREAS, the Town and the ECWA wish to continue the process of a consolidation of the Town's water system with the ECWA; and

WHEREAS, the next step in the consolidation process is the negotiation and execution of a Memorandum of Understanding (MOU) between the parties; and

WHEREAS, the ECWA has provided the Town with a draft MOU; and

NOW, THEREFORE, BE IT RESOLVED, that the Eden Town Board authorizes the Town Supervisor to negotiate the final terms of the MOU, approved as to content by the Town Engineer and approved as to form by the Town Attorney; and

BE IT FURTHER RESOLVED, that the Eden Town Board authorizes the Town Supervisor to execute said MOU on behalf of the Town of Eden.

MOTION was made by Councilman Ventry to approve the resolution as presented and authorize the Town Supervisor to execute said MOU on behalf of the Town of Eden; seconded by Councilman Byrnes; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

3. Wepax Road Water Rates

Supervisor Hartman read the following resolution:

RESOLUTION OF EDEN TOWN BOARD TO UPDATE WEPAX ROAD WATER RATES

WHEREAS, as a result of Wepax Road not being a dedicated public right of way, the Erie County Water Authority does not provide services to the Wepax Road water service area under the existing Lease-Manage Agreement with the Town of Eden, and

WHEREAS, water purveying services for the Wepax road water service area requires the use of contract services provided by the Village of Farnham for reading meters, collecting water samples and periodic testing of water samples to meet Health Department standards, and

WHEREAS, a recent audit of the cost of these contract services determined that a rate increase is required for properties in the Wepax road service area in order to meet increased servicing costs, which are solely the responsibility of the properties benefited thereby,

NOW, THEREFORE, IT IS RESOLVED effective immediately, rates of water within the Wepax Road service area will be as follows:

Minimum Flat Charge of \$50.00 per unit and \$4.00 per 1,000 gallons

Note: The rate structure we are placing is \$40.00 per unit which includes the first 5,000 gallons and \$5.50 per 1,000 gallons thereafter.

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

4. Budget Transfers/Approval of Voucher

MOTION was made by Councilwoman Wilhelm, pending receipt of necessary support documentation from Eden Emergency Squad, to approve payment of voucher #291 from the May 11, 2016 abstract, to Stryker Medical in the amount of \$79,949.48 for (2) Stretchers & (2) Power-lift systems; seconded by Councilman Byrnes; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

MOTION was made by Councilman Ventry to approve the Budget Transfer from Account A899.1, Ambulance Revenue Recovery to Account A4540.2, Ambulance-Equipment for the use of Revenue Recovery for stretchers and installation in the amount of \$81,749.48 (the increase from voucher #291 was for installation); seconded by Councilwoman Pew; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

5. Resolution for NYSDOS funding

Supervisor Hartman read the following resolution:

**RESOLUTION ON APPLICATION FOR NYSDOS FUNDING
FOR WATER SYSTEM IMPROVEMENTS**

WHEREAS, on August 12, 2015, the Eden Town Board received and filed the Feasibility Study-Final Report, which includes a description of the required upgrades and estimated costs associated with the potential consolidation of the Town's water system with the Erie County Water Authority (ECWA); and

WHEREAS, the Feasibility Study was funded in part by New York State Department of State (NYSDOS), under the Local Government Efficiency Grant Program; and

WHEREAS, the Eden Town Board intends to apply to the NYSDOS for an “implementation grant” to defray some of the estimated construction costs for the waterline improvement phase associated with the potential water system consolidation; and

WHEREAS, the final project documents have been completed and submitted to the ECWA and the New York State Department of Health (NYSDOH) for review and Eden Town Board has also reviewed the legal requirements associated with a potential water system consolidation with Bond Council and developed a preliminary project schedule in consultation with the Town Engineer; and

WHEREAS, the NYSDOS Grant Application is due on or before TBD; and

NOW, THEREFORE, BE IT RESOLVED, that the Eden Town Board hereby authorizes the Town Supervisor to make application to the NYSDOS for said implementation grant funding; and

BE IT FURTHER RESOLVED that upon approval of the application, the Town Supervisor be authorized to enter into an agreement with the NYSDOS for said grant funding.

MOTION was made by Councilwoman Pew to approve the resolution as presented and authorize Supervisor Hartman to make application and enter into an agreement with the NYSDOS for said implementation grant funding; seconded by Councilman Byrnes; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

Note: Supervisor Hartman stated that this is a \$400,00.00 grant with \$200,00.00 going to the Town of Eden and \$200,00.00 to ECWA.

6. Resignation – Stacey Callinan – Zoning Board Secretary

Supervisor Hartman read correspondence dated May 17, 2016 from Stacey Callinan resigning from the position of Secretary of the Zoning Board of Appeals.

MOTION was made by Councilwoman Wilhelm accepting the resignation of Stacey Callinan as Zoning Board Secretary with thanks and appreciation; seconded by Supervisor Hartman; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

7. Appointment – Diane Herzog – Temp. Zoning Board Secretary

MOTION was made by Councilwoman Wilhelm to appoint Diane Herzog as Temporary Zoning Board Secretary at the same rate of pay, \$90.97 per hearing plus \$13.88 per hour for reconvened hearings; seconded by Supervisor Hartman; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

8. Approval of Seasonal Part-time Clerk position

MOTION was made by Councilman Ventry to create (1) Clerk Typist Part-Time Seasonal (Competitive) position with Erie County Personnel; seconded by Councilwoman Pew; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

MOTION was made by Supervisor Hartman to close the Regular Meeting on the Eden Town Board and open the Public Hearing; seconded by Councilman Ventry; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

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

**8:00 P.M.
Public Hearing**

The following legal notice was read by Supervisor Hartman:

Pursuant to resolutions of the Town Board of the Town of Eden, New York, NOTICE IS HEREBY GIVEN of the following PUBLIC HEARING to be held by the Eden Town Board in the Eden Town Hall, 2795 East Church Street, Eden, New York on the 25th day of May, 2016:

At 8:00 PM Local Time, for the purpose of considering the application of FOP Holdings, LLC for a Special Use Permit for a multi-family residential development known as “Kelly's Place” to be located at 8121 North Main Street in the Town of Eden, County of Erie, State of New York.

All interested parties will be given an opportunity to be heard.

The following correspondence from William Mahoney, Chairman Planning Board, was read by Supervisor Hartman:

From William Mahoney, Chairman Planning Board on behalf of the Town of Eden Planning Board:

“The Planning Board of the Town of Eden has completed the required review of the site and associated SUP standards for the proposed Multi-Dwelling Development to be located at 8121 North Main Street in the Town of Eden. Below is an outline of the findings:

(A) In taking into consideration of the public health, safety, and welfare and the comfort and convenience of the public in general and of the residents of the immediate neighborhood the Planning Board determined the following and required the following mitigation to ensure there was no impact. The Planning board would like the applicant (developer of the facilities) to continue to comply with all Eden Town Code requirements plus:

- Address the findings from GHD's Engineering review
- Senior Housing intentions/delineations
- Review recreation area, play space requirements and recreation fees
- Traffic Evaluation
- Connection approvals from Erie County Division of Sewer Management and Erie County Water Authority
- A New York State Department of Transportation work permit
- Additional screening on North West side of site plan, developer will need to provide proposals in regards to the residents concerns

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- Consider restriction of access to neighboring parcel
- Contact Fire and Emergency Services, turn radius and hydrant placement review
- Lighting consideration for residents in close proximity
- Agricultural Data statement required
- Consult with Conservation and Agricultural Advisory Committees
- Drainage on parcel improvements: meeting code requirements, improving existing conditions and insuring no conditions are worsened.

(B) The owner of the existing lots needs to do the following concurrent with the developer:

- Minor Sub-division approval, possible area variance from Zoning Board for Parcel #2 or reconfigure lots to meet code requirements
- This must be done and approved concurrent with the development or the development cannot be approved due to the lots being out of conformance.

The Planning Board would like to recommend this Special Use Permit be approved pending the recommendations above. The developer and the owner of the lots will need to come back to the Planning Board in accordance with the town code.”

Supervisor Hartman read the following correspondence from Ruth L. Pierpont, Deputy Commissioner for Historic Preservation to Mr. Caleb Henning, Project Engineer for MDA Consulting Engineers, PLLC:

“Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the project in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the OPRHP and relate only the Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617). Based upon this review, it is the New York State Office of Parks, Recreation and Historic Preservation's opinion that your project will have no impact on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places. If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.”

Supervisor Hartman read the following correspondence from Nancy Smith, Executive Director of the Western New York Land Conservancy:

“The Western New York Land Conservancy is aware of the Kelly's Place Development Proposal that is before the Eden Planning and Town Boards. We acknowledge that the Town of Eden has a need for multi-family housing and that Eden is a right-to-farm community. The Land Conservancy holds a conservation easement on the adjacent property at 8033 North State Road, which protects this farmland in perpetuity. The protection of this farm was made possible through Town of Eden funding and a federal farmland protection grant. The property is also part of a State-certified Agricultural District. As you may already be aware, proximity to an active farming operation within an Agricultural District requires the completion of an Agricultural Data Statement, identifying the potential impact to the farm, which the Town Board must consider in making final decisions about the project. The Land Conservancy would also like to request that the Town refer this matter to both its Conservation Advisory Board as well as its Agriculture Advisory Committee to ensure that the proposed development does not have any adverse impact on the property at 8033 North State Road, including impacts to drainage, runoff, erosion, or other impacts. We are aware that the Eden Town Board has declared Lead Agency status for this project. The Western New York Land Conservancy would like to be included as an interested agency.”

The following persons spoke in opposition of the Special Use Permit for a multi-family residential development known as “Kelly's Place” to be located at 8121 North Main Street in the Town of Eden:

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Larry Hawkins, 8065 N. Main Street, concerned that it will greatly impact his livelihood and change the character of the neighborhood, a parking lot in his backyard. It will impact the wildlife. How many residents will be from Eden.

Emily Hawkins, 9602 Jennings Road, read a letter, her childhood home. The buildings do not meet the needs of the seniors, they should carefully review the plans.

Greg Genco, 9602 Jennings Road, concerned about the environmental aspects, ground water, the wetlands.

Pat Hawkins, 8065 N. Main Street, has lived there for 33 years, a priceless view will be ruined and will reduce the value of their home, does not want to see the rural character change.

Ryan O'Gorman, 8014 N. Main Street, owns a working farm next to the proposed development, concerned about people wandering into his fields, possible contamination of his crops, rapid run-off of water, where is that going to go?

Kendra Buresch, 3171 Paxon Road, read a letter, returned to Eden to purchase their forever home in a town with a small-town feel, light congestion. Young people are still coming back to live in Eden.

James Young, 8137 N. Main Street, concerned about privacy, will be in his backyard, will there be fencing, it is what it is.

Dave Schupp, 8009 Gowanda State Road, states that valid points have been raised, has a field with horses, concerned about flooding issues. Explain Welch Village, was that senior housing, recognizes the need, but not a good location.

The following persons spoke in favor of the Special Use Permit for a multi-family residential development known as "Kelly's Place" to be located at 8121 North Main Street in the Town of Eden:

Dolores Ursitti, 8595 Highland Drive, has lived here 31 years and they want to stay in Eden, to stay involved in the community/church. This may not be the right site, but there is a great need. Are plans available for review?

Joan Staby, 8711 Hammond Drive, has lived in Eden since 1965, raised her family here, wants to stay. 20% of the population of Eden is seniors, they have no place to go. Consider the needs of the seniors, it will be pristine.

Tom Lewis, 2416 New Jerusalem Road, lifelong resident of Eden, the seniors haven't been honored, it's a shame they have to move on, time for a change.

Betty Huber, 3185 Mill Street, concerned about the wetlands/flood plains, against building on wetlands, but not against senior housing.

Joe Klugg, 7700 Bley Road, stated that it will benefit the town and when he sells his house to a new family that will benefit the school and town. It's a good place and he wants to stay in Eden.

Eleanor O'Toole, 8499 N. Main Street, stated she loves the community and wants to stay, is there another location for the proposed development?

Carol Lewis, 2416 New Jerusalem Road, has lived in Eden all her life and by AARP standards 50% of Eden is senior citizens. The town has opposed duplexes, senior housing needs to be addressed. When the current houses were built near the proposed development, people didn't like it. Put things in perspective, seniors want walk-ability.

All persons desiring to be heard, having been heard, Supervisor Hartman closed the Public Hearing at 8:48 p.m.

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MOTION was made by Supervisor Hartman to close the Public Hearing and return to the Regular Meeting of the Eden Town Board; seconded by Councilman Ventry; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

Hearing of Visitors:

There were none.

Adjournment:

MOTION was made by Supervisor Hartman to adjourn the Work Session Meeting of the Eden Town Board; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Hartman adjourned the Work Session Meeting of the Eden Town Board at 8:50 P.M.

Executive Session:

Supervisor Hartman adjourned the Executive Session of the Eden Town Board Meeting at 11:35 P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk