

EDEN TOWN BOARD MEETING

February 13, 2019

EDEN TOWN HALL – 7:00 P.M.

Website: WWW.EDENNY.GOV

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Pledge of Allegiance

Approval of Minutes

Petitions

Budget Transfers

Audit of Bills

Departmental Reports

Public Comments on Agenda Items Only

**Other Town Events:**

Feb. 20<sup>th</sup> - 9am-4pm – HEAP Outreach

New and Unfinished Business:

1. Conservation Board re-appointments: Lamont Beers as Chairman and Allan Silver
2. Planning Board appointments Bethany Fancher-Herbert (alternate)
3. 2019 Recreation Fees for Summer Recreation and Swim programs
4. Amend action from January 9, 2019 to state change in travel dates to Association of Towns Annual Conference
5. Resignation of part time police officer, Matthew Cross
6. Appoint part time police officer Corey Sauberan
7. Declare electronics surplus
8. 2019 Burglar/Fire Alarm Agreement with Town of Hamburg
9. Resolution requesting AIMS funding restored into 2020 budget
10. Approve Local Law No. 1-2019; amending the Code of the Town of Eden, Chapter 108 – Standard Schedule of Fees Law
11. Approve grant administrator for NY State Main Street Grant

Supervisor's Report

Hearing of Visitors

Executive Session

**Public Hearing**

7:30 - Proposed Local Law No. 1-2019; amending the Code of the Town of Eden, Chapter 108 – Standard Schedule of Fees Law

**MEMORANDUM**

To: Missy Hartman, Town Supervisor and Town Board Members

From: Lamont Beers, Chairman, Eden Conservation Board

Date: 1/23/19

Re: Re-appointment to Conservation Board Chairman

At the Conservation Board meeting held on 1/22/19 the Board nominated me to serve another year as chairman. This nomination must be approved by the Town Board.

Kindly take up this matter at a future Town Board meeting.

Thank you for your consideration.

Eden Conservation  
Board

# Memo

**To:** Missy Hartman, Town Supervisor and Town Board Members  
**From:** Lamont Beers, Chairman, Eden Conservation Board  
**CC:** Allan Silver  
**Date:** 1/23/19  
**Re:** Recommendation for re-appointment to Eden Conservation Board

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The Eden Conservation Board recommends the following member for re-appointment to this Town Board for a two year period beginning on 2/1/19 and ending on 12/31/20. The vote was taken at the Board's January meeting:

Allan Silver, 3006 Bley Road, Eden, N. Y. 14057

Thank you for your consideration.

THE FOLLOWING ITEMS ARE RECOMMENDED TO BE DECLARED AS ELECTRONICS SURPLUS ON 2/13/2019

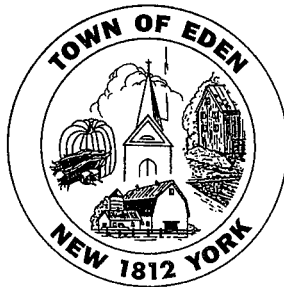
COMPAQ MV740 COMPUTER MONITOR	037CB11TB926								
HP MONITOR	CN13241919								
GATEWAY MONITOR	BEJCB775B								
DELL MONITOR	46633-556-5L4L								
COMPAQ PRESARIO 5000 TOWER	174971-005								
GATEWAY TOWER	10799712								
DTK KEEN 2530 TOWER	89000676								
HP TOWER	US21516118								
APC PRO 650 TOWER	NB9923320680								
DELL TOWER	B692TFDGXY2WQXY								
KINGS PAO TOWER	92-01-L24068								
DELL TOWER	00019-062-828-506								
GATEWAY TOWER	18436804								Police - Property of Erie County (return to CPS)
GATEWAY TOWER	14961426								
GATEWAY TOWER	14616185								
UNISYS TOWER	466579620								
DTK PEER 2032 TOWER	F825K4PEER2032								
J&J COMP TOWER	6444								
GATEWAY KEYBOARD	Q9175A0283								
GATEWAY KEYBOARD	B344128								
GATEWAY KEYBOARD	B343166								
COMPAQ KEYBOARD	B354ALQOAJMB7Q								
HP KEYBOARD	1L00107894B								
DELL KEYBOARD	92D-034J-A01								
DELL KEYBOARD	37172-52M-042H								
PICTAPHONE	551952								
IBM	AN095A8530286								
HP SCANNER	CN13W20261								

DELL COPIER		DP1NO237K1			
VERIFONE PRINTER 801		21784689			
HP POS JET		PC002303266			
VISIONEEER 9750 USB PRINTER		403TW1041C251400058			
HP LASERJET PRINTER		CND892LOKG			
POLICE SECURITY MONITOR		13201548			
POLICE SECURITY MONITOR		67115235			
HP COPIER/PRINTER		PHB8JCCOND			Property of NYS Court System (approved to recycle 1/4/19)
PRINTER		CN-ON9585-48720-697-857F			

**RICHARD S. VENTRY**  
**SUSAN F. WILHELM**  
**MICHAEL M. BYRNES**  
**GARY E. SAM**  
COUNCIL MEMBERS

**MICHAEL G. COOPER**  
**MELISSA ZITTEL**  
TOWN JUSTICES

**RONALD A. MAGGS**  
SUPT. OF HIGHWAYS



**MELISSA M. HARTMAN**  
SUPERVISOR

**EMILY N. HAWKINS**  
TOWN CLERK AND  
TAX COLLECTOR

**JESSE L. BAKER**  
CODE ENFORCEMENT OFFICER

**ROBERT W. PIETROCARLO**  
**SUSAN PRATT**  
**SUSAN L. JOHNSON**  
BOARD OF ASSESSORS

### PROPOSED Resolution Opposing the Elimination of AIM Funding

WHEREAS Governor's Cuomo's proposed 2020 NYS Budget includes unprecedented cuts to unrestricted State Revenue Sharing program known as Aid and Incentives to Municipalities (AIM) in the amount of 49 million for all municipalities in the State of New York, effectivity eliminating the program, and

WHEREAS this proposed cut would result in a loss of \$42,127 from the Town of Eden's general budget, and

WHEREAS, funding has not been increased in the last several years as unfunded mandates and cost of Town and Village services have risen, and

WHEREAS, if these cuts go through, a shocking 91% of Towns and Villages will permanently lose their AIM funding, and

WHEREAS, incentives for shared services, consolidation, and infrastructure remediation directed by consent orders in no way replace the needed financial assistance to fund and manage the increasing costs of day to day services and capital projects needed in sustainable Town and Village planning and management, and

WHEREAS, the proposal to eliminate AIM funding unfairly punishes State residents, making financial planning aligned with the NYS Tax Cap virtually impossible and

WHEREAS, the Governor is proposing to make the Tax Cap permanent, discontinue the \$65 Million in Extreme Winter Recovery Program and proposes no increase for CHIPs funding, for which there has been widespread vocal support, and

WHEREAS, the proposal to eliminate AIM funding is not proactive, but a method to cut a small percent from the State Budget, yet a significant amount of revenue to Town and Village budgets.

NOW, THEREFORE, BE IT RESOLVED: The Town of Eden strongly opposes the elimination of AIM funding, and

This institution is an equal opportunity provider and employer.

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at [program.intake@usda.gov](mailto:program.intake@usda.gov).

2795 EAST CHURCH STREET • EDEN, NEW YORK 14057 • (716) 992-3408 • FAX (716) 992-4131  
**TDD FOR THE HEARING IMPAIRED – DIAL 1-800-662-1220**

FURTHER RESOLVED, the AIM funding benefits all of our residents not only in the Town of Eden but throughout New York State and eliminating it could result in reduction of services, program cuts and layoffs. Every dollar that the State shared is a dollar that doesn't have to be levied on backs of local taxpayers, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Honorable Governor Andrew M. Cuomo, Honorable Senator Patrick Gallivan, Honorable Assemblyman David DiPietro, Honorable Legislature John Mills and Erie County Executive Mark Poloncarz.

**DRAFT  
TOWN OF EDEN  
PROPOSED LOCAL LAW NO. 1-2019**

**A Local Law Amending the Code of the Town of Eden  
Chapter 108 – Standard Schedule of Fees Law**

**BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF EDEN AS FOLLOWS:**

SECTION 108-3 Town of Eden Standard Schedule of Fees shall be amended as follows:

1. Eliminate the existing **A. Residential** and add the following:

**A. Residential Permits**

Detached one and two-family dwellings:	\$100.00 plus \$.25 per square foot of construction, including attached garages, porches and decks.
All other residential dwellings (Apartments)	\$100.00 plus \$.20 per square foot of construction, including attached garages, porches and decks.
Dwelling Addition Permit	\$.25 per square foot of construction.
Accessory Buildings such as Garages, Barns and Sheds	\$.25 per square foot of construction
Accessory Structures such as Decks, Porches, TV Dishes, etc.	\$ 75.00
Alterations and Repairs	\$50 minimum/ \$.25 per square foot
Demolition	\$50.00 plus \$100.00 per 1000 square feet
Fence	\$ 50.00
Fireplace/Stove Permit	\$ 50.00 (Included with new dwelling Building permit.) Certificate of Compliance Required.
Swimming Pool Permit	\$ 50.00 above ground \$150.00 in ground (includes fence permit)
Pond Permit	\$250.00 (includes site plan review)



Certificate of Occupancy	No charge with unexpired building Permit. \$50.00 for expired permit or Moving in without Certificate of Occupancy.
Temporary Certificate of Occupancy	\$50.00
Certificate of Compliance	No Charge with expired permit (for Demolition, fences, swimming pools, etc. and accessory buildings)
Mobile Home Parks	\$ 10.00 per mobile home lot for initial license and annual renewal thereafter.  \$100.00 per each new mobile home or replacement

**Recreation Fees**

Major Subdivisions	\$750 per new dwelling unit payable upon final subdivision approval per the Sub-division Law.
Minor Subdivisions	\$750 per new dwelling unit payable upon building Permit Approval
Duplexes	\$750 per new dwelling unit payable upon approval of Application
Multiple Dwellings (Conventional & Townhouse)	\$750 per new dwelling unit payable upon approval of Application
Cluster Development	\$750 per new dwelling unit, payable upon project Approval.
Mobile Home Park	\$750 per new Mobile Home Dwelling Unit, payable upon Project Approval.

2. Eliminate the existing B. **BUSINESS/COMMERCIAL PERMITS** and add the following:

**B. BUSINESS/COMERCIAL PERMITS**

Business/Commercial construction	\$100.00 plus \$.35 per square foot of
Additions	\$.35 per square foot of construction

Alterations/Repairs	\$75.00 minimum \$.35 per square foot
Accessory Structures	\$ .30 per square foot of construction
Demolition	\$ .20 per square foot construction
Agricultural Structures	\$ .10 per square foot – Minimum of \$100
Certificate of Occupancy	No charge with unexpired permit. \$50.00 for expired permit, site plan review or special permit approval.
Sign Permits	\$ 75.00
Operating Permits	\$ 50.00
Special Use Permit or Zoning Amendment Hearing	\$250.00 – Includes Advertisement of Legal Notice by Town Board
Temporary Trailer Permit	\$ 25.00
Town Board Special Use Permit Renewal	\$ 100.00 Annually
Tower Special Permit	\$5,000.00 – plus reasonable costs of Engineering and/or other consultant services required by the Town to assist it in reviewing and analyzing material and information submitted relative to the application.
Tower Co-Location Permit	\$1000.00 – Includes antenna, equipment box, fencing.
Zoning Board of Appeals	\$250.00 – Includes advertising legal notice.
Planning Board	\$250.00 – Includes advertising legal notice.
Posters for Notice	\$ 5.00 each

Assessors Search Fee for Special Use Permit Hearings or Zoning Board Hearings

\$ 35.00 for General Business, Office Business, General Industrial, Local Business, Hamlet Residential and Suburban Residential Districts.

\$ 15.00 for all other zoned areas.

Copies of Maps

\$.50 Small Maps - \$1.00 Large Maps

**Police Department Fees:**

Accident Reports

\$ 5.00 per report

Police Reports

\$ 5.00 per report

Photograph Copies

\$ 1.00 per photo

Transcripts

\$20.00 plus \$1.00 per page

**Highway Department Fees:**

Highway Right-of-Way Permit

\$75.00 plus costs for labor/inspections

Highway Drainage Enclosure Permit

\$30.00

3. Eliminate the existing **C. SUBDIVISION FEES** and add the following:

**C. SUBDIVISION FEES**

(1) Application and Review Fees

Property Splits Application

\$150.00

Minor Subdivision

Sketch plat

\$250.00

Resubmission fee

\$125.00

Final plat

\$500.00 plus \$20/lot

Resubmission fee

½ of final plat fee

Major Subdivision without Public Improvements:

Sketch plat

\$250.00 plus \$5/lot

Resubmissions

½ of total initial fee

Preliminary plat Resubmission	\$250.00 plus \$15/lot ½ of total preliminary plat
Final plat Resubmission	\$250.00 plus \$10/lot ½ of total final plat

Major Subdivision with Public Improvements:

Sketch plat Resubmission	\$300.00 plus \$15/lot ½ of total initial fee
Preliminary plat Resubmission	\$500.00 plus \$30/lot ½ of total preliminary plat
Final plat Resubmission	\$500.00 plus \$20/lot ½ of total final plat

(2) Inspection fee for public improvements. The subdivider (developer) shall pay to the Town, at the time of application for a public improvement permit, a deposit for the inspection of all required public improvements, in accordance with the following schedule:

<b>Construction Cost of Public Improvements</b>	<b>Inspection Fee</b>
\$0 to \$10,000	8% of total construction cost
Over \$10,000 to \$100,000	\$800 plus 6.0% over \$10,000
Over \$100,000	6.0% of total construction cost

- An additional fee of \$50 shall be paid to the Town for administrative services.
- The inspection deposit shall be used to pay the Town's inspector or agent. Funds not used for this purpose shall be returned to the developer upon acceptance of the improvements.
- If the deposited amount is exceeded due to the project not proceeding expeditiously, being understaffed, utilization of inexperienced contractors, conditions beyond the control of the Town or its agent, then the developer must pay the outstanding inspection fee before the improvements may be accepted.
- The developer should note that additional inspection deposits may be required by outside agencies such as the Erie County Sewer District. The affected agency should be consulted to determine its costs.

4. Eliminate the existing **D. SITE PLAN REVIEW FEES** and add the following:

**D. Site Plan Review Fees:**

<u>Site Plan Waiver Fees</u>	\$150.00
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Number of Improved Acres

Less than 1 acre	\$250.00
1 acre to less than 2 acres	\$500.00
2 acres to less than 3 acres	\$750.00
3 acres to less than 4 acres	\$1000.00
4 acres to less than 5 acres	\$1500.00
5 acres to less than 6 acres	\$2000.00
Over 6 acres	\$2500.00

- (1) Site plan review fees apply to all uses requiring Site Plan Review.
- (2) This review fee includes two submittals and shall be paid at the time of initial submittal. If the plans cannot be approved in the second submittal because they are incomplete or Town specifications are not being followed, one-half the review fee will be charged for each subsequent submittal.
- (3) For construction in districts without sewer, a \$.025 per \$100 of construction value shall be applied.

E. SEQR Fees:

(1) SEQR reviews: reimbursement to the Town for any SEQR costs incurred. Estimates will be provided at the time of application.

F. Stormwater pollution prevention plans and site inspection fees.

- (1) Single phase residential and commercial development projects.
  - (a) If design is in conformance with New York State Design Manuals:

Number of Acres	SWPPP Design Plan Review Fee	Construction Inspection Fee	Total
Less than 5 acres	\$300	\$500	\$800
5 acres to 10 acres	\$500	\$700	\$1150
Over 10 acres	\$500 plus \$100 for each additional 5 acres or portion thereof	\$700 plus \$200 for each additional 5 acres or portion there	

- (b) If design is not conformance with New York State Design Manuals:

Number of Acres	SWPPP Design Plan Review Fee	Construction Inspection Fee	Total
Less than 5 acres	\$600	\$500	\$1100
5 acres to 10 acres	\$750	\$700	\$1450
Over 10 acres	\$750 plus \$100 for each additional 5 acres or portion thereof	\$700 plus \$200 for each additional 5 acres or portion thereof	

(2) Multiphase residential and commercial development projects.

- (a) When the entire project is first being reviewed and approved by the municipality, use the single phase residential and commercial development project schedule above to determine an initial fee based on the entire acreage of the project to be developed in several phases.
- (b) Add \$500 for each subsequent phase after the first initial phase, to be collected at the beginning of the development of each subsequent phase. This additional \$500 is to be used for construction inspection assuming that the SWPPP and design plans do not change.

**Note:** These fees are in addition to the existing site plan or subdivision review/application fee.

G. Solar Permitting

(1) Building, Roof and Ground Mounted Solar Photovoltaic Systems:

- (a) A building permit shall be required for the installation of all roof and building mounted SPSs and ground mounted systems for small-scale residential use.
- (b) All review and permitting for roof, building and ground mounted systems shall be the responsibility of the Town of Eden Code Enforcement Officer.
- (c) Any post construction changes to any small-scale roof, building and ground mounted SPS will require review and approval by the Town of Eden Code Enforcement Officer.

(2) Utility Scale Solar Photovoltaic Systems:

- (a) All utility scale SPSs shall require the issuance of a special use permit approval from the Eden Town Board. The Town Board shall refer all special use permit applications to the Planning Board and Code Enforcement Office for review and recommendations prior to the issuance of the site plan approval and the special use permit.

(3) Applicability:

(a) Two types of ground mounted SPSs are addressed herein:

- (i) SPS Type 1 – A utility (large) scale system designed for the generation of power supplied for commercial use and/or to the public grid by way of a net metering agreement;
- (ii) SPS Type 2 – A small scale system designed to generate power for a single residence or property owner. A Type 2 system shall be permitted to supply power to the local utility grid, on a limited basis, by way of a net metering agreement at no greater than 110% of.

H. Dog licensing and dog control fees. The Town Board shall, by resolution, from time to time establish the schedule of fees it shall deem necessary and appropriate for the proper administration of its dog licensing and dog control program, and hereby authorizes the Town Clerk to collect and remit such fees consistent with the requirements of article 7 of the Agriculture and Markets Law of the State of New York.

I. Fire prevention and Safety Inspections.

<b>Type of Building:</b>	<b>Fee</b>
Public assembly buildings	\$75
Buildings used as dormitories	\$75
Multiple dwellings/nonresidential structures	\$75

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with section twenty-seven of the Municipal Home Rule Law.