

August 10, 2016

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
AUGUST 10, 2016
7:30 P.M.**

TOWN BOARD MEMBERS PRESENT:

MELISSA HARTMAN - SUPERVISOR
RICHARD S. VENTRY - COUNCILMAN
MARY LOU PEW - COUNCILWOMAN (*Arrived at 8:02*)
SUSAN WILHELM - COUNCILWOMAN
MICHAEL BYRNES - COUNCILMAN (*Absent*)

DEPARTMENT HEADS PRESENT:

Stephen Waldvogel - Town Engineer
Ronald C. Maggs - Superintendent of Highways
Michael J. Felschow - Chief of Police
Matthew Colvin - Eden Fire Chief
Scott Hunter - East Eden Fire Chief
Ray Zabron - Dog Control Officer

OTHERS PRESENT:

William Trask - Town Attorney
Mary Jo Hultquist - Town Clerk

Call to Order:

Supervisor Hartman called the Regular Meeting 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. A moment of silence was observed for the deceased members of the community for the month of July, 2016.

Approval of Minutes:

Supervisor Hartman asked if there were any additions or corrections to the Town Board Minutes of July 13, 2016; there were none.

MOTION was made by Councilman Ventry to approve the Town Board Minutes of July 13, 2016 as presented; seconded by Councilwoman Wilhelm; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Petitions:

There were none.

Budget Transfers/Amendments:

Supervisor Hartman read the following Budget Transfers/Amendments:

From Account	To Account	Reason for Amendment	Amount
A917 Fund Balance	A8810.4 Cemetery	Dangerous tree removal – North Evans Cemetery	\$3,900.00

MOTION was made by Councilman Ventry to approve the Budget Transfer/Amendment as presented; seconded by Councilwoman Wilhelm; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

Audit Bills:

Supervisor Hartman 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	467-531	\$52,576.86
Highway Dept. Fund	185-209	\$191,348.08
Fire Dept. Fund	160-187	\$27,985.39
Recreation Dept. Fund	99-115	\$5,345.38
Refuse and Garbage Fund	14-15	\$77,003.10
Street Lights Fund	19-21	\$4,094.64
Water Fund	26-28	\$669.87
Trust & Agency Fund	--	--
Capital Fund H8320.405	8	\$16,588.00
Community Development	--	--

MOTION was made by Supervisor Hartman 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 July 2016 were presented by Matthew Colvin, Eden Fire Chief; Scott Hunter, 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 Hartman for Mark Clark, Zoning Code Enforcement Officer; Supervisor Hartman for Susan Brass, Recreation Director; and Supervisor Hartman for Robert Pietrocarlo, Chairman Board of Assessors. All reports are on file in the Town Clerk’s office.

Matthew Colvin, Eden Fire Chief requested removing Matthew Vankoughnett from the active roster of the Eden Fire Department. Matthew served the department for 7 years.

MOTION was made by Councilman Ventry to remove Matthew Vankoughnett from the active roster of the Eden Fire Department with thanks and appreciation for his time served; seconded by Supervisor Hartman; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

Scott Hunter, East Eden Fire Department requested adding Matt Hornquist to the active roster of the East Eden Fire Department, he has passed his background and arson investigation.

MOTION was made by Supervisor Hartman to add Matt Hornquist to the active roster of the East Eden Fire Department; seconded by Councilman Ventry; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

William Trask, Town Attorney requested the adoption of a resolution and authorization for Supervisor Hartman to sign the Easement for the Turn-around on Gerald Drive.

MOTION was made by Councilwoman Wilhelm to authorize Supervisor Hartman to sign the Easement for the Turn-Around on Gerald Drive; seconded by Councilman Ventry; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

New and Unfinished Business:

1. Resolution recognizing the Town of Eden as a Yellow Dot Program participant.

Supervisor Hartman read the following resolution:

PROPOSED YELLOW DOT RESOLUTION/PROCLAMATION

WHEREAS, the New York State Sheriff's Association Yellow Dot Program was designed to help first responders provide life-saving medical attention during the "golden hour" after a crash or emergency event; and

WHEREAS, a Yellow Dot decal adhered to the driver's side rear window of a vehicle will alert first responders that vital medical information for the driver and or passenger is stored in the vehicle's glove compartment; and

WHEREAS, the Yellow Dot Program can be also be utilized at a residence by placing the decal on an entry door(s) of a dwelling as to alert first responders that important medical information for one or more of the residents, within the dwelling, can be located in a clear plastic bag in the freezer compartment of the refrigerator; and

WHEREAS, Erie County Sheriff Timothy B. Howard and the sheriff's office has staff and resources dedicated to raising awareness of the Yellow Dot Program in the towns, villages and communities throughout Erie County; and

WHEREAS, the sheriff's office has encountered situations where a Yellow Dot decal has been helpful to first responders at the scene of an incident and contributed to the fast and proper triage of a victim.

NOW, THEREFORE BE IT RESOLVED the Town of Eden does hereby recognize the life-saving potential of the Yellow Dot Program; and be it further

RESOLVED, that this Honorable Body declares the Town of Eden as a Yellow Dot community and encourages all citizens to sign-up for and participate in the life-saving program Yellow Dot Program.

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

2. Accept the resignation of part-time Police Officer, Sam Blaszczyk.

Supervisor Hartman read correspondence from Michael Felschow, Chief of Police regarding the resignation of Sam Blaszczyk, effective 7/26/2016.

MOTION was made by Councilman Ventry accepting the resignation of Sam Blaszczyk, effective 7/26/2016 with thanks and appreciation for service; seconded by Councilwoman Wilhelm; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

3. Acknowledge appointment of John Arns, part-time Police Officer.

Supervisor Hartman read correspondence from Michael Felschow, Chief of Police requesting the appointment of John Arns, as part-time Police Officer, effective August 1, 2016.

MOTION was made by Supervisor Hartman to appoint John Arns, part-time Police Officer, effective August 1, 2016; seconded by Councilwoman Wilhelm; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

4. Recognize Special Use Permit request from JLV Properties for 8159 N. Main Street.

Supervisor Hartman received and filed a request from JLV Properties, 194 Central Avenue, Silver Creek, New York for a Special Use Permit to change the property at 8159 N. Main Street from commercial to residential.

This request will be forwarded to the Eden Planning Board.

5. Resolution naming the “Buffalo Law Journal” as the town's official newspaper.

Supervisor Hartman read the following resolution:

**RESOLUTION OF THE EDEN TOWN BOARD
Changing the Official Newspaper for the Town of Eden**

WHEREAS, the Eden Town board declared the official newspaper of the Town of Eden as “The Sun” at the Re-Organizational Meeting on January 5, 2016;

WHEREAS, “The Sun” newspaper owned by Community Papers of Western New York closed its business on July 25, 2016,

WHEREAS, the Eden Town Board has declared the “Buffalo Law Journal” as the new official newspaper of the Town of Eden.

NOW, THEREFORE BE IT RESOLVED that the Eden Town Board does hereby approve this change, effective August 1, 2016.

MOTION was made by Councilman Ventry to approve the resolution as presented; seconded by Councilwoman Wilhelm; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

6. Resolution – Kelly's Place, Negative Declaration and Special Use Permit.

Supervisor Hartman read the following resolution:

**SEQRA Determination of Significance
Negative Declaration Resolution**

Name of Action: Kelly's Place Apartment Buildings and Townhouse Development

Location: 8121 North Main Street, Eden, New York 14057

WHEREAS, the Town of Eden Town Board (“Board”) is in receipt of a special use permit application submitted by MDA Consulting Engineers for property located at 8121 North Main Street in the Town of Eden; and

WHEREAS, the action involves the construction of a 34-unit multi-family development on a 10.6 acre parcel with frontage along New York State Route 62; and

WHEREAS, the action is classified as an unlisted action and the Board has declared lead agency; and

WHEREAS, the Board solicited comments from potentially involved agencies, and comments regarding permits, approvals and other issues were provided in response to the solicitation; and

WHEREAS, the proposed action was referred to the Erie County Department of Planning pursuant to General Municipal Law 239-m, and comments were provided in response to the referral; and

WHEREAS, the Board has reviewed the proposed action including the environmental assessment form, site plan drawings, engineering reports and other comments submitted in connection with the project; and

WHEREAS, the Board has taken a hard look at all potentially adverse environmental impacts;

NOW, THEREFORE, be it resolved by the Board that based on the Board's thorough and careful review of the proposed action, the Board hereby determines that the project will not result in any significant environmental impacts and hereby issues a negative declaration for the proposed action. The reasons supporting this determination are documented on Part 3 of the Short Environmental Assessment Form.

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

NOTE: Councilwoman Pew arrived at 8:02 pm.

**Special Use Permit for the Proposed
Kelly's Place Apartment Buildings
And Townhouse Development
8121 North Main Street
Eden, New York 14057**

RESOLVED that a Special Use Permit for the proposed Kelly's Place Apartment Buildings and Townhouse Development at 8121 North Main Street be approved with the following conditions:

1. **Time-frame** – The Special Use Permit shall expire after a period of five years if the proposed development has not been fully constructed as approved by the Planning board under site plan review. The applicant will be required to renew the special use permit or the undeveloped areas of the site will be restored to its natural setting.
2. **Senior Housing** – As a condition of this Special Permit, developer/permittee understands and agrees that at least 18 of the units shall be designated as "Senior Units". Such designation shall mean that occupancy of 18 of the units shall be reserved exclusively for tenants age 55 or older. Upon request of the Town of Eden code enforcement department, the permittee shall provide documentation, in form satisfactory to the town code enforcement department, as may be required to verify compliance with this condition.
3. **Buffering**- Additional buffering from neighboring properties will be provided as determined by the Planning Board under site plan review. Such buffering will be consistent with existing vegetation and other landscaping and shall blend surrounding neighborhood.
4. **Recreation**- The child play space requirement shall be waived for payment in lieu of a playground and an increase in the usable recreational area for the proposed development. The usable recreational area shall include walking trails and other associated amenities as approved by the Planning Board under site plan review.

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

Public Hearing held: May 25, 2016
Town Board Approval: August 10, 2016

7. Water Project – Map & Plan #2

Stephen Waldvogel, Town Engineer, GHD presented the Map & Plan for Watermain Replacement and Water Storage Tank Painting for Consolidated Water District and Extensions.

Supervisor Hartman received and filed Map & Plan - Watermain Replacement and Water Storage Tank Painting for Consolidated Water District and Extensions.

Supervisor’s Report:

- Expressed thanks to all departments involved in the Corn Festival.
- Senior Center surveys are still available at the Town Clerk's office.
- Lights on the bridge on Route 62 have been restored.
- Commercial Business District Committee has applied for a grant, working toward the 2017 Main Street grant.
- Several local businesses have applied for the local facade program that will begin in the fall.
- A special thanks to Eden Emergency Squad for all they do, having an extremely busy month – if you see a volunteer, thank them!

Hearing of Visitors:

Tom Lewis – New Jerusalem Road thanked the Town Board for moving forward with the Special Use Permits for “Kelly's Place”.

Betty Huber – Mill Road – would like to see drawings of the proposed buildings for “Kelly's Place”.

Larry Hawkins – N. Main Street – drawings of proposed buildings were not shared at Planning Board meeting.

John Kaszubowski, 7251 Sisson Highway requested a speed-limit reduction on Sisson Highway from Route 62 to Hardt Road. Supervisor Hartman explained the process to Mr. Kaszubowski and he will follow-up with a petition from neighbors in the area and then the request will be forwarded to NYS DOT.

Joe Klug – Bley Road requested explanation of “child space” for “Kelly's Place”? Attorney Trask stated that the Town Code requires recreational space when a new area is developed.

Joe Klug – Bley Road stated there are pot-holes at the railroad crossing on Bley Road. Ron Maggs, Highway Superintendent stated that he would need to contact the railroad and the Erie County Highway Department.

Adjournment:

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

Supervisor Hartman adjourned the Regular Meeting of the Eden Town Board at 8:23 P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk