

October 12, 2016

**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
OCTOBER 12, 2016  
7:30 P.M.**

**TOWN BOARD MEMBERS PRESENT:**

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

**DEPARTMENT HEADS PRESENT:**

Stephen Waldvogel	-	Town Engineer
Ronald C. Maggs	-	Superintendent of Highways
Michael J. Felschow	-	Chief of Police
Matthew Colvin	-	Eden Fire Chief
Aaron Brind'Amour	-	East Eden Fire Chief
Robert Pietrocarlo	-	Chairman Board of Assessors

**OTHERS PRESENT:**

William Trask	-	Town Attorney
Mary Jo Hultquist	-	Town Clerk
Debbie Gregoire	-	Administrative Assistant

**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 September, 2016.

**Approval of Minutes:**

Supervisor Hartman asked if there were any additions or corrections to the Town Board Minutes of September 14, 2016; there were none.

**MOTION** was made by Councilman Ventry to approve the Town Board Minutes of September 14, 2016 as presented; seconded by Councilwoman Wilhelm; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Hartman asked if there were any additions or corrections to the Town Board Minutes of September 28, 2016; there were none.

**MOTION** was made by Supervisor Hartman to approve the Town Board Minutes of September 28, 2016 as presented; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Petitions:**

There were none.

**Budget Transfers/Amendments:**

Supervisor Hartman read the following Budget Transfers/Amendments:

<b>From Account</b>	<b>To Account</b>	<b>Reason for Amendment</b>	<b>Amount</b>
SD917	SD1.8540.4	Use of fund balance for remediation work done to Drainage District #1 Oakhill Subdivision	\$2,005.16
SF3410.4	SF3410.2	Fire Hall Roof	\$2,000.00

**MOTION** was made by Councilwoman Pew to approve the Budget Transfers/Amendments as presented; seconded by Councilman Byrnes; 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.

<b>DESCRIPTION</b>	<b>VOUCHER NUMBERS</b>	<b>AMOUNT</b>
General Fund	605-669	\$88,647.55
Highway Dept. Fund	238-268	\$32,701.58
Fire Dept. Fund	213-236	\$10,864.19
Recreation Dept. Fund	126-133	\$2,486.20
Refuse and Garbage Fund	19-20	\$38,547.55
Street Lights Fund	26-28	\$4,530.86
Water Fund	31	\$161.00
Trust & Agency Fund		
Capital Fund		
H3410.2	--	--
H8320.402	--	--
H8302.403	--	--
Community Development	--	--
Drainage District		
SD4-8540.4	1	\$241.94
SD1-8540.4	1	\$2,005.16

**MOTION** was made by Councilwoman Pew 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 September 2016 were presented by Matthew Colvin, Eden Fire Chief; Aaron Brind'Amour for Scott Hunter, East Eden Fire Chief; Michael Felschow, Eden Police Chief; Supervisor Hartman for 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 Robert Pietrocarlo, Chairman Board of Assessors. All reports are on file in the Town Clerk’s office.

**New and Unfinished Business:**

**1. SEQR – Upstate Cellular Network**

Supervisor Hartman read the following resolution:

**RESOLUTION OF THE EDEN TOWN BOARD  
Declaring Lead Agency for  
Application of Upstate Cellular Network d/b/a Verizon Wireless for  
Telecommunications Tower Permit**

**WHEREAS**, the Eden Town Board has received a request from Upstate Cellular Network d/b/a Verizon Wireless (hereafter “developer”) for a telecommunication tower facility to be sited at property owned by W.D. Henry & Sons, 3274 Webster Road (further identified as tax parcel 209.00-1-19) in the Town of Eden (hereinafter “Project”), and

**WHEREAS**, upon review by the Town Code Enforcement Officer it was determined that the Project would require municipal approval, including issuance of a Tower Permit by the Town Board, and

**WHEREAS**, based upon the preliminary review, it was determined that the proposed action is an unlisted action under 6NYCRR Part 617 (SEQR),

**NOW, THEREFORE, IT IS**

**RESOLVED**, that the Eden Town Board does hereby declare itself Lead Agency under SEQR.

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

Supervisor Hartman required a motion to refer the above-mention to the Planning Board.

**MOTION** was made by Supervisor Hartman to refer the Telecommunications Tower Permit to the Planning Board for their review and recommendation; seconded by Councilwoman Wilhelm; All “Ayes”; Opposed? - None; Abstain? - None; Motion carried.

**2. SEQR – JLV Properties – 8159 N. Main Street**

Supervisor Hartman read the following statement:

**JLV, Properties  
8159 North Main Street  
SPECIAL USE PERMIT  
“CHANGE OF USE”**

**Update on JLV Properties for a Special Use Permit request.**

At our August 10, 2016 Town Board Meeting we recognized the request for a Special Use Permit for the Change of Use of 8159 North Main Street from a restaurant back to a single-family dwelling. This board referred it to the Planning Board but the applicant missed the deadline for the October Planning Board meeting. JLV Properties will be on the November 2, 2016 Planning Board agenda for a pre-submission conference.

**3. SEQR – Water Main Replacement and Water Storage Tank Project**

Supervisor Hartman read the following resolution:

October 12, 2016

**State Environmental quality Review (SEQR)**  
Resolution Establishing Lead Agency  
Unlisted Action

Name of Action: Water Main Replacement and Water Storage Tank Painting

**WHEREAS**, the Town of Eden Town Board is considering the replacement of approximately 20,000 feet of waterlines throughout the Consolidated Water District as well as painting of the East Church and Eden #3 water storage tanks, and

**WHEREAS**, after comparing the thresholds in 6 NYCRR 617.4 and 5, the Town Board has determined that the proposed project is an Unlisted Action, and

**WHEREAS**, the Environmental Assessment Form dated August 22, 2016 has been submitted by GHD Consulting Services, Inc. for the Town Board's consideration, and

**WHEREAS**, after examining the environmental assessment form, the Town Board has determined that the Erie County Water Authority, Erie County Health Department, the Erie County Department of Public Works, New York State Department Environmental Conservation, New York State Department of Transportation, New York State Office of Parks, Recreation and Historic Preservation and New York State Department of Agriculture and Markets will be involved agencies on this matter, and

**WHEREAS**, during the review of this project, no involved agency listed above objected to the Town's declaration of Lead Agency.

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board declares itself Lead Agency for review of this action.

**BE IT FURTHER RESOLVED**, that the project will undergo a review by involved agencies and a Determination of Significance will be made based on the Town's review of all reasonably necessary information including the results of the involved agency review.

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

**4. Setting of Public Hearing for financing of the Water Main Replacement and Water Storage Tank Painting Project**

**ORDER CALLING  
PUBLIC HEARING TO BE HELD ON  
November 9, 2016**

WHEREAS, the Town Board of the Town of Eden (herein called "Town Board" and "Town", respectively), in the County of Erie, New York, has, pursuant to Town Law, created the Town of Eden Consolidated Water District (the "District"); and

WHEREAS, the Town Board has directed GHD, competent engineers licensed in New York, to prepare a preliminary map, plan and report for a water system capital improvements project within the District; and

WHEREAS, such water system capital improvements project will generally consist of the installation of approximately 19,740 linear feet of new watermain along various roads in the Town and improvements to water storage tanks in the Town, such work to generally include, but not be limited to, the repainting of Eden #3 Tank and East Church Tank, reconstruction of such tank foundations, repairs to valve vaults, replacement of valves, replacement of tank ladders and electrical outlets, installation of roof vents and handrails, watermain interconnection-related work, hydrant-related work, as well as other such improvements as more fully identified in such map, plan and report

referred to above, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the “District Improvement”); and

WHEREAS, pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary map, plan and report for such increase and improvement of facilities of the District and has estimated the total cost thereof to be an estimated maximum amount of \$4,678,130; said cost to be financed by the issuance of serial bonds of the Town in an aggregate amount not to exceed \$4,678,130, offset by any federal, state, county and/or local funds received;

NOW, THEREFORE, BE IT

ORDERED that a meeting of the Town Board of the Town of Eden will be held at the Town Hall, 2795 East Church Street, Eden, New York, on November 9, 2016 at 8:00 o’clock P.M. or shortly thereafter (prevailing Time) to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it

FURTHER ORDERED, that the expense of said increase and improvement of the facilities shall be financed by the issuance of serial bonds of the Town in an aggregate amount not to exceed \$4,678,130, said amount to be offset by any federal, state, county and/or local funds received, and unless paid from other sources or charges, the costs of said increase and improvement of facilities shall be paid by the assessment, levy and collection from the several lots and parcels of land within the District for such purpose in the same manner and at the same time as other Town charges to pay the principal of and interest on said bonds as the same shall become due and payable, except as otherwise provided by law; and be it

FURTHER ORDERED, that the Town Clerk publish at least once in each newspaper designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten nor more than 20 days before the date of such public hearing

The adoption of the foregoing Order Calling for Public Hearing was duly put to a vote on roll call, which resulted as follows:

AYES:           Melissa, Hartman, Supervisor  
                  Richard Ventry, Councilman  
                  Mary Lou Pew, Councilwoman  
                  Susan Wilhelm, Councilwoman  
                  Michael Byrnes, Councilman

NOES:           None

ABSENT:       None

The Order Calling for Public Hearing was declared adopted.

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

October 12, 2016

**MOTION** was made by Councilman Ventry to close the Regular Meeting of the Eden Town Board and open the Public Hearing for the purpose of the Community Block Grant; seconded by Councilman Byrnes; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

Supervisor Hartman opened the Public Hearing at 8:00 pm.

**8:00 pm  
Public Hearing  
Community Block Grant**

Supervisor Hartman explained the purpose of the Public Hearing was to listen to any concerns or questions the citizens have.

Robert Stickney, suggested repairing sidewalks in the Town of Eden.

Carole Knight, asked for an explanation of the grant. Supervisor Hartman explained the areas that would be included in the grant.

Joe Klug, asked if certain facilities for Kelly's Place could be included in the grant, the senior related project.

Carole Knight, asked if solar projects could be included.

All persons desiring to be heard, having been heard, Supervisor Hartman closed the Public Hearing at 8:05 pm.

**MOTION** was made by Supervisor Hartman to close the Public Hearing and return to the Regular Town Board meeting; seconded by Councilman Ventry; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

**5. Preliminary 2017 Proposed Budget and Public Hearing date**

Supervisor Hartman stated that the preliminary budget has been prepared and a Public Hearing has been set for Wednesday, October 26, 2016 at 8:00 pm.

Copies of the preliminary budget can be found at the Town Clerk's office.

**6. Approval of Resolution for Community Block Grant Program**

Supervisor Hartman read the following resolution:

**AUTHORIZING RESOLUTION**

At a meeting of the town of Eden Board held on October 12, 2016, the Board authorized Melissa M. Hartman, Supervisor, to sign, submit and execute a contract with the Erie County Community Development Block Grant (ECCDBG) program for the following project(s) upon approval of ECCDBG:

1. Rural Transit Service, Inc.

**MOTION** was made by Councilman Ventry to authorize Supervisor Hartman to sign, submit and execute a contract with the Erie County Community Development Block Grant (ECCDBG) program for the project stated, Rural Transit Service, Inc.; seconded by Councilman Byrnes; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

**7. Appoint Steve Bugary as part-time Public Safety Dispatcher**

**MOTION** was made by Councilwoman Pew to appoint Steve Bugary as part-time Public Safety Dispatcher; seconded by Councilman Byrnes; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

**Supervisor's Report:**

- The street light has been moved to the front of the Boys/Girls Club.
- A Technical Assistant Grant in the amount of \$20,000 has been received for the 2017 Main Street Grant.
- Promised checks to the volunteers that participated in the movie filming has been received and presented to the departments in the amount of \$1,000.00/each.

**Hearing of Visitors:**

Ray Kline, stated he read an article in the Buffalo News regarding “garbage housing”, could that be utilized on the house on Main Street, near Eden Seafood? After much discussion it was determined that the town has done everything they could do with the current codes and that they would have to adopt a property maintenance law in order to enforce homeowners on the condition of their properties.

Supervisor Hartman stated that they receive daily calls on that property and the Heath Department is aware of the situation and daily fines are being imposed on the property.

Joe Klug, inquired of the status of Kelly's Place. Supervisor Hartman stated that they received Planning Board approval, the permits have been requested and the project is moving forward.

**Adjournment:**

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

Supervisor Hartman adjourned the Regular Meeting of the Eden Town Board at 8:20 P.M.

Respectfully submitted by,

Mary Jo Hultquist  
Town Clerk